



UNIVERSITY *of*
TASMANIA

News Media Representation of Public
Environmental Litigation During Environmental
Conflict: Coal, coral and courtrooms

by

Cynthia Nixon

BEng (EnvEng)(Hons), MEnvLaw, GradDip JMC

The Media School | College of Arts Law and Education

Submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy
(Society and Culture)

University of Tasmania, 7 October 2019

DECLARATION OF ORIGINALITY

This thesis contains no material which has been accepted for a degree or diploma by the University or any other institution, except by way of background information and duly acknowledged in the thesis, and to the best of my knowledge and belief no material previously published or written by another person except where due acknowledgement is made in the text of the thesis, nor does the thesis contain any material that infringes copyright.

Signed:

Date: 7 October 2019

AUTHORITY OF ACCESS

This thesis may be made available for loan and limited copying and communication in accordance with the Copyright Act 1968.

STATEMENT OF ETHICAL CONDUCT

The research associated with this thesis abides by the international and Australian codes on human and animal experimentation, the guidelines by the Australian Government's Office of the Gene Technology Regulator and the rulings of the Safety, Ethics and Institutional Biosafety Committees of the University. Ethics Approval No H0014669.

Signed:

Date: 7 October 2019

ACKNOWLEDGEMENTS

This research is part of the Australian Research Council Project DP150103454 ‘Transnational Environmental Campaigns in the Australia-Asian Region’ and is supported by an Australian Government Research Training Program (RTP) Scholarship. Thank you to my supervisory team, Professor Libby Lester and Dr Kathleen Williams, for their continued guidance throughout this project. Their wisdom and humour provided a sense of relief and encouragement. I would also like to acknowledge those who agreed to be interviewed for this project. Your delight in sharing stories was a joy and gave great insight into my case study. Without your passion, my research lacked personality and soul. And finally, a huge big thank you to my family and friends, especially Mike, Sebastian and Lachlan who are my nearest and dearest and supported me as this research came to life. Boys, I am no longer glued to the computer and my ‘screen time’ will now significantly reduce.

TABLE OF CONTENTS

ABSTRACT	XI
1 INTRODUCING COAL, CORAL AND COURTROOMS	1
1.1 A rare public statement in a contentious public debate	1
1.2 The research problem	12
1.3 Aim	15
1.4 Scope	16
1.5 My personal involvement	17
1.6 Referencing	18
1.7 Statement of significance	18
1.8 Chapter overview	19
2 ENVIRONMENTAL CAMPAIGNS IN COURT AND MEDIA	22
2.1 Introduction	22
2.2 Public Environmental Litigation and the use of law by social movements	23
2.2.1 What is PEL?	23
2.2.2 PEL as a campaign tactic	23
2.2.3 The law, courts and social change	26
2.3 Mediatized environmental conflict	33
2.3.1 Definition	33
2.3.2 Mediatisation	34
2.3.3 Power and visibility	35
2.3.4 The evolving public sphere and legitimacy	38
2.3.5 Theoretical application	42
2.3.6 The news sphere and environmental reporting	45

2.3.7	Public relations and the industry and government spheres	56
2.3.8	The activist sphere and gaining visibility	58
2.3.9	The legal sphere and controlled communication	66
2.4	Discussion	76
3	APPROACH AND METHODS	80
3.1	Introduction	80
3.2	Research aim and question	80
3.3	Research design	81
3.3.1	Case study	81
3.3.2	Mixed methods	88
3.3.3	Understanding news texts	89
3.3.4	Understanding news production	113
4	PUBLIC ENVIRONMENTAL LITIGATION, THE ADANI CONFLICT AND THE NEWS	123
4.1	Introduction	123
4.2	An overview	124
4.2.1	Adani conflict news coverage	124
4.2.2	PEL newsworthiness	126
4.2.3	The language of PEL	130
4.3	PEL news coverage over time	136
4.3.1	The Early Years phase	136
4.3.2	The Conflict Builds phase	138
4.3.3	The Legal Action phase	144
4.3.4	The Household Name phase	163
4.4	Discussion	167
5	VISIBILITY THROUGH VOICE: NEWS SOURCES AND PUBLIC ENVIRONMENTAL LITIGATION	175

5.1	Introduction	175
5.2	News source overview	175
5.3	Litigants: an opportunity to make news	179
5.3.1	The public face	179
5.3.2	Legal constraints and communication compromises	182
5.4	Adani: present but defensive	186
5.5	Politicians: supporter or legal party?	189
5.6	Coal industry: a constant presence	192
5.7	The Court: an independent voice	194
5.8	Litigant solicitor: lawyer, activist, or ?	194
5.9	Expert witnesses: limited diversity and seamless transitions	198
5.10	Discussion	203
6	COAL, COAL AND MORE COAL: NEWS IMAGES OF PUBLIC ENVIRONMENTAL LITIGATION	210
6.1	Introduction	210
6.2	Image corpus overview	211
6.3	Visualising the project	213
6.3.1	The coal industry	213
6.3.2	Site specific understanding	219
6.3.3	Queensland-based mines	223
6.3.4	The Indian connection	224
6.4	Visualising environmental threats	225
6.4.1	Local species	225
6.4.2	The Great Barrier Reef	228
6.5	Visualising conflict actors and legal parties	231
6.5.1	Politicians	231
6.5.2	The face of Adani	235
6.5.3	Litigants and the courts	237
6.6	Visualising protest	241

6.7	Discussion	246
7	CONCLUSION: PUBLIC ENVIRONMENTAL LITIGATION AND THE POLITICS OF COAL, CORAL AND COURTROOMS IN NEWS	255
7.1	Introduction	255
7.2	PEL and mediatized environmental conflict	255
8	REFERENCES	267
9	APPENDICES	302
9.1	Appendix A: Corpus news texts cited	302
9.2	Appendix B: Legal cases cited	315
9.3	Appendix C: Legislation cited	316
9.4	Appendix D: Public Environmental Litigation key dates	317
9.5	Appendix E: List of interviewees	318
9.6	Appendix F: <i>Court Conflict</i> language devices	319
9.7	Appendix G: <i>Activist tactic</i> language devices	320
9.8	Appendix H: <i>Public right</i> language devices	321
9.9	Appendix I: <i>Bureaucracy</i> language devices	322
9.10	Appendix J: <i>Criminality</i> language devices	323
9.11	Appendix K: Media attention during PEL event weeks (Early Years phase)	324
9.12	Appendix L: Media attention during PEL event weeks (Conflict Builds phase)	325
9.13	Appendix M: Media attention during PEL event weeks (Legal Action phase)	326
9.14	Appendix N: Media attention during PEL event weeks (Household Name phase)	327
9.15	Appendix O: PEL sub-corpus authorship (three or more texts)	328
9.16	Appendix P: Adani-Post Facebook example	329

LIST OF TABLES

Table 3.1 PEL cases using Queensland environmental law	84
Table 3.2 PEL cases using Federal environmental law	85
Table 3.3 Australian news outlets	96
Table 3.4 Indian news outlets	98
Table 3.5 Adani corpus summary	103
Table 3.6 PEL sub-corpus summary	106
Table 3.7 Indian corpus summary	109
Table 4.1 PEL case and case event type news coverage in the PEL sub-corpus	127
Table 5.1 <i>Land Court case</i> expert witnesses used as news sources	198

LIST OF FIGURES

Figure 4.1 Adani corpus monthly text frequency	124
Figure 4.2 PEL sub-corpus headline language device counts	134
Figure 5.1 Source quote categories in the PEL sub-corpus	176
Figure 5.2 Source contribution during <i>Land Court case</i> event weeks	178
Figure 5.3 Source contribution during <i>ACF case</i> event weeks	178
Figure 5.4 The Australia Institute-Post Facebook (The Australia Institute 2017)	201
Figure 6.1 Image categories in the PEL sub-corpus	211
Figure 6.2 Number of images per supplier	212
Figure 6.3 ‘Yellow truck, blue sky’ coal industry image (<i>Australian Financial Review</i> 6/8/2015)	214
Figure 6.4 Generic mine worker image (Ludlow 5/8/2015)	215
Figure 6.5 Coal in hands image (Frost 8/4/2015)	216
Figure 6.6 Adani Mundra Power Plant stock image (Hepburn 16/1/2015)	217
Figure 6.7 Indian coal industry image (Robertson 5/8/2016)	218
Figure 6.8 Tightly framed coal piles (Left: Robertson 1/5/2015, Right: Milman 3/8/2015)	218
Figure 6.9 Left: Galilee Basin image (Robertson 5/5/2015), Right: Adani Carmichael Road sign image (Rebgetz 15/12/2015)	219
Figure 6.10 Abbot Point Port images (Left: Cox 5/8/2015, Right: McKenna 27/4/2016)	221
Figure 6.11 Greenpeace supplied Abbot Point Port images (Left: Taylor 18/11/2015, Right: Robertson 27/4/2015)	222
Figure 6.12 Alpha coal test pit images (Left: <i>ABC News</i> 15/3/2015, Robertson 22/4/2015)	223
Figure 6.13 Yakka skink images (Left: Frost 6/8/2015, Right: <i>ABC News</i> 5/8/2015)	226
Figure 6.14 Black throated finch images (Left: <i>Australian Associated Press</i> 31/3/2015a, Right: Robertson 14/5/2015)	226
Figure 6.15 Cartoon depicting skink and snake (<i>Australian Associated Press</i> 23/3/2016)	227
Figure 6.16 Great Barrier Reef images (Left: Central Queensland News 15/1/2015, Right: Milman 31/3/2015)	229
Figure 6.17 Bleached coral image (Slezak 3/5/2016)	230
Figure 6.18 Politician in mine setting image (Hasham 7/8/2015a)	232

Figure 6.19 Politicians in images (Left: Butterworth 7/8/2015, Right: Frost 6/8/2015)	233
Figure 6.20 Shaking hands images (Left: <i>Australian Associated Press</i> 15/6/2017, Right: Chang 17/6/2017)	234
Figure 6.21 Image of Australian political figures alongside Gautam Adani (Milman 9/10/2014)	234
Figure 6.22 Images of Adani representatives (Left: McKenna and Maher 4/6/2016, Right: Schliebs 25/11/2016)	235
Figure 6.23 Adani in cartoons (Left: West 28/4/2015, Right: West 2/5/2015)	236
Figure 6.24 Images of litigant and legal team outside court room (Left: van Vonderen and Sakzewski 31/3/2015, Right: van Vonderen 9/11/2015)	238
Figure 6.25 Image of Whitsunday Residents Against Dumping spokesperson in front of court with protest behind (Godwin 16/6/2017)	239
Figure 6.26 Litigant images (Left: Ludlow 6/8/2015, Right: Schliebs 25/11/2016)	240
Figure 6.27 Image of protest outside the court (Frost 29/4/2015)	241
Figure 6.28 Most tweeted Twitter tweet during the <i>ACF case</i> dismissal protest (Climate Guardians 2016)	244
Figure 6.29 A Greenpeace Great Barrier Reef ‘image event’ (Greenpeace Australia Pacific 2018)	245

ABSTRACT

Environmental campaigns instigate Public Environmental Litigation (PEL) as a strategy to protect the environment. Within the legal system, court rules and formal legal discourse constrain and open opportunities for environmental claim-making. Outside the court, the evolving public sphere provides space for *anyone* to interpret and communicate court decisions. News media coverage of PEL provides a visible stage for legal discourse to influence ‘mediatized environmental conflict’ (Hutchins and Lester 2015). In this space, activists struggle to gain ‘mediated visibility’ and resort to drama and spectacle to attract news attention (Thompson 2005). The introduction of the legal sphere challenges this dynamic as courts have power over legal actors but also rely on news media to translate legal outcomes for the public. Without media coverage, PEL may be contained within the legal realm and environmental campaigns miss opportunities to educate and mobilise support for the case and the cause. This study aims to explore the relationship between environmental campaigns, PEL and media and communications using PEL against the Adani Carmichael coal mine in Australia as a case study. The approach applies mixed methods, including discourse analysis of news corpuses, semi-structured interviews and observation. The study found a changing relationship over time, with PEL destabilising mediatized environmental conflict. Litigants do not struggle for media attention but instead gain relative power as the role of the court influences actor relationships, communication styles and ‘mediated visibility’ (Thompson 2005). PEL sustains news coverage of an environmental campaign but when enacted as a campaign tactic is represented as a political act and an extension of protest. Litigants must also withstand challenges to their legitimacy as questions of who is the ‘affected public’ flow through news discourse in attempts to limit the ‘social licence to operate’ (Lester 2016a; Parsons et al 2014). This research demonstrates the important role of the legal sphere in mediatized environmental conflict and environmental politics.

1 INTRODUCING COAL, CORAL AND COURTROOMS

1.1 A rare public statement in a contentious public debate

A public statement from the Federal Court of Australia concerning a legal case is rare.

Communication from the Federal Court tends to be technical, procedural or a platform for views on the legal system (Federal Court of Australia 2019a). This changed on 19 August 2015, when the Federal Court issued a public statement to ‘correct media reports’ concerning legal action against the Adani Carmichael coal mine (‘Adani mine’) (Federal Court of Australia 2015a). In taking this action, the Federal Court publicly entered a highly contentious and mediatised debate over whether the largest coal mine in Australia’s history should be built.

The statement was an attempt by the Federal Court to set the public record straight after they perceived news outlets failed to get the facts right concerning a Federal Court order to invalidate the Federal Minister of Environment’s decision to approve the mine (Federal Court of Australia 2015a, 2015b). This order stemmed from the Queensland-based Mackay Conservation Group’s application for a judicial review of the Minister’s decision. All parties to the court order—the Minister, the mine’s proponent Adani Mining Pty Ltd and the Mackay Conservation Group—consensually agreed the Minister had not considered the impact of the mine on two listed vulnerable species: the Yakka Skink and Ornamental Snake. There was no hearing, findings or judgement (Federal Court of Australia 2015a). The only document was the court order dated 4 August 2015 stating: ‘the decision under review dated 24 July 2014 be set aside’ and ‘there be no order as to costs’ (Federal Court of Australia 2015b). Communicating the details behind the order was left to the discretion of the parties and interested news outlets.

At the time of the Federal Court public statement, the Adani mine was proposed to be the largest coal mine in Australia, with Adani Mining planning to excavate up to 60 million tonnes of thermal coal per year (Adani Mining 2012). Adani Mining is a fully owned subsidiary of the private Indian corporation, the Adani Group, founded and chaired by Mr Gautam Adani (Adani Group 2019). On their website the Adani Group claim the corporation is the largest importer of coal, the largest private power company and the largest private port operator in India. In Australia the Adani Group operates as ‘Adani Australia’ and has invested in the Adani mine project and solar farms (Adani Australia 2018a). For simplicity, Adani Group and/or any of its subsidiaries will be herein referred to as ‘Adani’.

The Adani mine is located in the northern Galilee Basin in central northern Queensland, Australia, 160 km north-west from the nearest town, Clermont (Adani Mining 2012). The Galilee Basin, a 250,000-hectare coal reserve, is remote, lacks significant infrastructure (such as a rail network) and has relatively poorer coal quality than other Australian coal deposits (Duus 2012; Rolfe 2014). Though largely untouched by industry, the area is currently the focus of future coal mine development and the Adani mine is one of nine coal mine proposals for the Galilee Basin, with seven of these seeking approval (State Government of Queensland Department of State Development 2017a, 2017b, 2018a, 2018c, 2018d, 2018e). Since the Federal Court public statement, Adani Mining has announced they will scale back the size of the mine to initially produce only 10 million tonnes of coal per year, making the mine comparable to other Queensland coal mines (Adani Australia 2018b).

Once the coal is excavated from the Adani mine, Adani proposes to rail the resource to an export facility at Abbot Point Port, located near the World Heritage Area listed Great Barrier Reef, and then ship the coal to India for use in Adani coal fired power stations and other Asian markets (Adani Mining 2012). In India, Adani own Mundra Port, the largest Indian commercial port, and the nearby coal-fired power station, the Mundra Thermal Power Station

(Adani Group 2019). By investing in the mine and port infrastructure in Australia, Adani will control Australian and Indian assets to manage each step of the coal supply chain, from pit to port to power generation. At the conclusion of this study, Adani had started construction works at the mine site (Gluyas 2019).

The litigant in the Federal Court case, the Mackay Conservation Group, is a community environmental group campaigning against the Adani mine alongside over thirty other anti-Adani mine campaign organisations and thousands of individuals (Mackay Conservation Group 2019; #StopAdani 2019). The campaign to stop the Adani mine first came to prominence in 2012 when a Greenpeace funding strategy, *Stopping the Australian Coal Boom*, was leaked to news media (Hepworth 2012). The 2011 strategy highlighted the coordinated, multi-pronged and professional approach planned and signalled to industry and governments there would be significant push back against new coal developments in Australia (Hepburn et al 2011). Environmental groups were concerned that if new coal mines were built there would be ‘devastating consequences for the global climate’ and continued supply of coal to new generation coal fired power stations (Hepburn et al 2011:3).

As a part of the strategy to stop new coal mines in Australia, the environmental campaign targeted the Adani mine and in March 2017 environmental and community groups, such as the Mackay Conservation Group, formed the Stop Adani Alliance to enact the #StopAdani campaign (#StopAdani 2019). Tactical efforts against the Adani mine included communications and media; protest; lobbying and petitioning financial institutions, supply chain organisations and politicians; legal action and boycotts (#StopAdani 2019). Protest has taken many forms, including blockading Abbot Point Port to stop port work and gate-crashing the 200th birthday party of Australian bank Westpac to pressure the institution not to invest in the mine (Backhouse 2018; Battersby 2017). In October 2017 the campaign

organised a national day of action, and more than a thousand people used their bodies to spell ‘#Stop Adani’ on Sydney’s iconic Bondi Beach (McInnes 2017).

Though a less visible tactic than public protest, legal action taken by the Mackay Conservation Group in 2015 was an important part of the campaign and one of nine legal cases using environmental law to try and stop the mine launched between 2014 and 2019 (Mackay Conservation Group 2015a). Cases using native title law to try and stop the mine were also instigated during this time by representatives of the Wangan and Jagalingou Family Council, members of an indigenous group with native title claims over areas in the Galilee Basin¹ (Wangan and Jagalingou Family Council 2019). The aim of campaign legal action was to ‘disrupt and delay’ key coal projects, create a ‘platform for public campaigning’ and test climate change laws (Hepburn et al 2011:6). Case legal grounds were predicated on legal argument consistent with key #StopAdani campaign messages and concerns about the environmental, social, economic and indigenous impacts of the mine. Conservation groups as litigants were concerned about the impact of carbon emissions from the mine, the impacts on the Great Barrier Reef, the removal of endangered black throated finch habitat and the effect of the mine on local water systems (see for example, *Adani Mining Pty Ltd v Land Services of Coast and Country Inc & Ors* [2015] QLC 48). Internationally, there were fears burning Adani coal would impact Indian air quality and the health of local Indian communities living near coal fired power stations (*Adani Mining Pty Ltd v Land Services of Coast and Country Inc & Ors* [2015] QLC 48; Conservation Action Trust and Urban

¹ As well as legal cases using environmental law, the campaign to stop the Adani mine involved significant native title legal action. The Adani mine project impacts a number of indigenous groups with native title claims and accordingly, under the *Native Title Act 1993* (Cmth), Adani negotiated Indigenous Land Use Agreements (IULA’s) with relevant parties as part of project planning (Adani Mining 2012). Members of one of these groups, the Wangan and Jagalingou Family Council, disputed the legality of one of these IULA’s. They took their claims to various United Nation’s human rights committees and Australian courts (Wangan and Jagalingou Family Council 2019). The full bench of the Australian Federal Court dismissed the group’s final appeal in mid-2019 and the Queensland Government has since extinguished native title on tracts of land so the mine can proceed (Doherty 2019). These native title cases are out of scope as discussed in Section 1.4.

Emissions 2014; #StopAdani 2019). Mine opponents also alleged Adani's performance overseas was dubious and questioned whether Australians should trust the company to protect Australia's environment (Mackay Conservation Group 2015b).

Of the nine environmental law cases, only two were successful: legal action initiated by the Mackay Conservation Group in 2015 (as previously discussed and herein referred to as the *MCG case*) and the Australian Conservation Group's case against Adani's North Galilee Water Scheme project (Australian Conservation Foundation 2019). All other cases were either dismissed, abandoned or the court recommended project approval. Even with defeat, these cases allowed conservation groups to publicly challenge decision-making, improve permit conditions and disrupt the mine's approval processes. This provided time and space to build the movement and for other campaign tactics to create investment and political uncertainty.

As a consequence of the Federal Court order's focus on the Yakka Skink and the Ornamental Snake, other legal grounds of the *MCG case* were untested, including whether the Federal Environment Minister failed to consider the impact of burning coal from the Adani mine on the Great Barrier Reef, the world's largest coral system, when approving the mine. This legal argument was never heard as part of the *MCG case* but became central to the legal argument in many of the other eight cases (see for example, *Adani Mining Pty Ltd v Land Services of Coast and Country Inc & Ors* [2015] QLC 48; *Australian Conservation Foundation Incorporated v Minister for the Environment and Energy* [2017] FCAFC 134). Legal arguments connected coal and coral by linking the carbon emissions from the combustion of Adani coal to global carbon emissions and the bleaching and destruction of the Reef caused by human induced warming oceans. In a submission to the Queensland Land Court, experts estimated 4.7 billion tonnes of carbon would be emitted from coal burnt from the Adani mine at its maximum production of 60 million tonnes per annum over its 60-year life (Taylor and

Meinshausen 2015:8). Conservation groups as litigants argued these emissions were globally significant and Australia had an international responsibility under the World Heritage Convention to protect the Reef (see for example, *Australian Conservation Foundation Incorporated v Minister for the Environment and Energy* [2017] FCAFC 134). Litigants were also concerned about the impacts of Abbot Point Port expansion on the Reef, such as shipping risks and sea dumping of dredge waste (see for example, *Whitsunday Residents Against Dumping Ltd v Chief Executive, Department of Environment and Heritage Protection & Anor* [2017] QSC 121 (15 June 2017)).

The centrality of the Great Barrier Reef to the #StopAdani campaign and legal action is not a new environmental narrative. The Reef has a long history of conflict and controversy (McCalman 2013). Since Captain James Cook sailed The Endeavour through the labyrinth of coral reefs in 1770, the Reef has been the centre of frontier and indigenous conflict, hotly contested scientific debate and conservationist campaigns. The ‘Save the Reef’ campaign in response to industrialisation plans during the 1960s and 1970s resulted in the Reef becoming a marine park in 1974 and listed as a World Heritage Area in 1981 (Foxwell-Norton and Lester 2017). Even with this increased protection, the health of the Reef is still under serious threat from human activities, including climate change, coastal developments, poor water quality from runoff entering the Reef and illegal fishing (Great Barrier Reef Marine Park Authority 2018a). Climate change is predicted to warm and acidify oceans and cause sea level rise (Doney et al 2012). This results in significant stress on coral reefs globally, including the Great Barrier Reef which has already experienced significant bleaching since 2016 (Great Barrier Reef Marine Park Authority 2018b). The Reef’s poor health has created significant international pressure on the Australian Government to improve Reef management, including the United Nations Educational, Scientific and Cultural Organization’s (UNESCO) continuing threat to place the site on the World Heritage Area ‘in

danger' list (*ABC News* 2017a). As well as high ecological value, the Reef is an international tourist icon, generates approximately 64,000 jobs, and is estimated to contribute \$6.4 billion annually to the Australian economy (Deloitte Access Economics 2017:5). These tensions pit the value of mining against the value of nature and tourism (see for example, Volling 2017). For these reasons, conservationists continue to voice concerns about the impacts of industrialisation on the Reef. Adani, with its plans for a coal mine and port in the area, is a key target for this agitation.

The connection between coal and coral in the campaign against the Adani mine highlights the dichotomy of Australia's international responsibility to protect the Great Barrier Reef from climate change threats and Australia's continued political support for the coal industry. This challenge reflects international tension over how global energy markets will move from fossil fuel reliance and transition to low and non-carbon energy sources to minimise the impacts of global warming. Coal combustion is a significant contributor to anthropogenic carbon emissions (Intergovernmental Panel on Climate Change 2014). In 2016 coal was 27% of the global energy mix and emitted the most carbon emissions (44%) (International Energy Agency 2018a:5). Australia is a significant player in the global coal market and in 2017 was the second largest exporter of coal in the world, exporting 379 million tonnes of coal, including thermal and coking coal (International Energy Agency 2018b:7). Domestically, coal also generates a significant proportion of Australia's electricity supply (63% in 2016/17) (Department of Environment and Energy 2018a:22). In 2014/15 the coal industry provided 39,128 direct jobs and it is estimated the industry creates approximately 150,000 indirect jobs (Australian Bureau of Statistics 2016; Quince 2015).

The connection between coal, the Australian economy and politics initially began in colonial times when Australia's first exported commodity was convict-mined coal from Newcastle, New South Wales in 1799 (NSW Mining 2013). This relationship took time to develop and

the export coal industry was not strong until after World War II when significant infrastructure investment and policy changes occurred, particularly in response to the 1957 trade agreement with Japan (Lee 2016). Prior to this time, the industry was state-based, focused on domestic supply and dogged by industrial disputes. This changed when both the Federal and New South Wales Governments introduced reforms and funded improvements to coal export facilities (Lee 2016). By the end of the 1960s, Australia had established itself as a ‘world force’ in black coal (Australian Bureau of Statistics 2012).

Political support for the coal industry, including the Adani mine, continues in Australia today. Development of the Galilee Basin was highlighted in the Queensland Government’s 2010 *CoalPlan 2030* strategy and further supported by establishing the Galilee Basin State Development Scheme Area in 2014 (Queensland Government 2010; Queensland Government Department of State Development, Manufacturing, Industry and Planning 2019). Both Queensland and Federal Governments considered publicly funding rail infrastructure in the Galilee Basin to support coal development (see for example, *ABC News* 2014; Gogarty 2017). More recently, the coal lobby infamously provided a lump of coal for the then Federal Treasurer (and now Prime Minister), Scott Morrison, to brandish during a 2017 speech to Federal Parliament on ‘coalaphobia’ (Murphy K 2017). Politicians supporting coal highlight the economic value of the Adani mine and the jobs it will bring, particularly to regional areas hit hard by a downturn in the Australian mining sector (see for example, Christensen 2016).

The Adani mine promises 1,500 jobs during construction, ‘thousands’ of other jobs and significant royalties and taxes (Adani Australia 2018c). For mine supporters, the Adani mine is a solution for communities unsure of their economic future beyond mining. Mine supporters refute the connection between the Adani mine and climate change impacts on the Great Barrier Reef. They argue the mine and the Reef can co-exist and the Reef is too far away from the mine site for any impact (see for example, *ABC News* 2017b; McKee 2017).

In contrast, the campaign to stop the Adani mine argues Australia cannot continue to maintain this relationship with coal and preserve the Great Barrier Reef (#StopAdani 2019). Australia must decide: coal or coral.

In the conflict over the Adani mine the argument is over who takes responsibility for carbon emissions and whether they are significant to Australia and the world. In 2015 Australia emitted 541 megatonnes of carbon dioxide equivalent (MtCO₂-e), similar to emissions from the United Kingdom (Australian Government 2016). The largest contributor to Australia's carbon emissions profile is the energy sector (Australian Government 2011). Not included in these statistics are carbon emissions related to Australian exported coal combusted in other countries. According to the United Nations Framework Convention on Climate Change, carbon emissions are legally accounted for in the country where the emissions are produced (Department of Environment and Energy 2018b). Therefore, emissions from Adani Australian-sourced coal combusted in India is India's legal responsibility. Mine supporters argue it is not up to Australia to decide whether India should burn coal. The decision is up to India (*Australian Conservation Foundation Incorporated v Minister for the Environment* [2016] FCA 1042). They contest coal demand in India will remain strong and burning Adani mine coal will not reduce overall global greenhouse gas emissions as competing coal export nations, such as Indonesia, will supply India instead. They also argue Australian coal will help reduce India's carbon emissions as Australian coal is higher quality than current coal sourced from India and other nations (Long 2017a).

Mine supporters claim it is Australia's 'moral imperative' to support India's increasing demand for electricity caused by a growing population, development ambitions and the desire to improve the standard of living (Aston 2015). The Indian Government estimates 33% of households, or approximately 300 million people, have no access to electricity (Government of India Ministry of Environment, Forest and Climate Change 2015:14). The Modi Indian

Government ambitiously committed to provide ‘power to all 24x7’ by 2019 (Government of India Ministry of Power 2017). Keeping up with Indian electricity demand requires significant infrastructure investment and the International Energy Agency estimates the Indian power grid must ‘almost quadruple in size by 2040 to catch up and keep pace’ (International Energy Agency 2015:12). Mine supporters argue coal will play a significant role in meeting India’s growing electricity needs. India currently relies on coal for electricity production (70% of energy generated in 2015 was from coal) and coal dominates new energy investment (Electricity Authority 2016; International Energy Agency 2015:19). The coal industry claims new coal fired power plants can provide clean energy using new high energy, low emission (HELE) technology to reduce emissions (ACELET 2017).

To complicate the debate, the Indian Government has also announced policy indicating India’s energy market is transitioning away from coal and increasing non-fossil fuel investments (see for example, Buckley 2016; Central Electricity Authority 2016). Mine opponents argue India’s move to cheaper renewable energy creates uncertainty about the demand for Australian coal exports (Buckley 2016). They counter coal industry claims by arguing countries are responding to climate change and coal is a dying industry (see for example, Long 2017b). Mine opponents are concerned coal investments will be viewed as mistakes and be ‘stranded assets’ in the years to come (Long 2017b). According to Shearer et al (2018), old coal fired power stations are being retired across the world and new coal power station construction rates are falling, both indicators of a decline in global coal power capacity growth. If the Adani mine goes ahead, mine opponents argue India is locking its energy future into coal-based electricity when some countries are already making commitments to phase out coal (Long 2017b). There is also high scepticism that new coal plants using HELE technology can deliver low cost carbon reductions at the scale needed (Long 2017c).

Despite some uncertainty about India's demand for coal, India is the world's second largest importer of coal and is a growing potential market for Australia (International Energy Agency 2018c:7). In 2017 India imported 207 million tonnes of coal, of which only three million tonnes was from Australia (International Energy Agency 2018c:7; Minerals Council of Australia 2018:21). India has significant domestic reserves but has struggled to establish new coal mines because of productivity, technical, environmental, social and legal reasons as well as the poor state of internal transportation infrastructure (International Energy Agency 2015). The Indian Government is concerned about the impact of escalating expensive coal imports compared to cheaper domestic coal supplies and over the last few years has changed policy to favour the use of domestic coal (Department of Industry and Science 2015; PTI 2016; Sengupta 2016). This approach is complicated by the many Indian power plants designed for 'efficient, higher calorific value' coal which Indian mines cannot produce (Safi 2017). These challenges encourage private companies, such as Adani, to continue to seek coal reserves external to India (Department of Industry and Science 2015).

The debate over the Adani mine has divided the Australian public, stretched across the ocean to India and grown to become a symbol of Australia's struggle to transition to a less carbon-based economy. The Federal Court order to set aside the Federal Government approval of the Adani mine in August 2015 was issued within a polarised discursive environment questioning whether Australia can continue to export coal while protecting the Great Barrier Reef. The Federal Court order first hit news media on 5 August 2015 (see for example, Robertson and Milman 2015). The public statement from the Federal Court was issued two weeks later after intense news reporting on the surprise conservation group win and backlash from politicians (see for example, Fitzgerald 2015; Frost 2015; Kerin 2015). Debate in the news moved quickly from a technical legal issue concerning the snake and skink to the role of activism in delaying critical projects in Australia. Political sentiment over the two weeks provided

opportunity for the Federal Government to initiate amendments to the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) to restrict provisions for conservation group standing in court (Brandis 2015). Though unsuccessful at the time, this would have limited the ability of conservation groups, such as the Mackay Conservation Group, to take future legal action against developments like the Adani mine. The Federal Government Attorney General George Brandis released the policy initiative the same week as the Federal Court public statement attempting to set the record straight. In the news, the Federal Court's voice was superseded by the Federal Government's policy response to the Mackay Conservation Group win. As a result, the rare public statement from the Federal Court was largely ignored, drowned out by the politics of the day.

1.2 The research problem

The need for the Federal Court to make a rare public statement about the quality of news reporting demonstrates the key role that news media play in translating legal events for the public. Why did the Federal Court enter the mediatised debate over the Adani mine to reinforce the consensual nature of the agreement and what did news media report which triggered this action? These questions focus on the largely unexplored relationship between environmental campaigns, Public Environmental Litigation (PEL) and media and communications (Konkes 2018). PEL is 'proceedings in a court or tribunal undertaken by a private individual or community group where the dominant purpose is not to protect or vindicate a private right or interest but to protect the environment' (McGrath 2008:327). Australian legislation provides opportunities for conservation groups and individuals to initiate PEL and hence argue their campaign claims legally (Bates 2013; Preston 2006). In turn, news media translate these court proceedings into news for the public and contribute to the public debate on environmental issues.

The environmental campaign against the Adani mine has fuelled conflict between the proponent, interest and lobby groups, media organisations, politicians, legal professionals and other policy and decision makers concerning whether the Adani mine should be built (the ‘Adani conflict’). The interactions between conflict actors as represented by media is theorised as ‘mediatized environmental conflict’ which demonstrates the struggle for ‘mediated visibility’ by those less powerful in society and draws upon theoretical concepts of mediatization, ‘mediatized conflict’ and the ‘network society’ (Castells 2011; Cottle 2006a; Robertson 2015; Thompson 2005). By virtue of the parties involved, the nature of the coal export industry, Australia’s international obligations to protect the Great Barrier Reef and the global impacts of carbon emissions, the Adani conflict takes place in a transnational setting. Environmental campaigns exist at both a local and transnational level within a globally connected society supported by intensifying global flows of information, capital and trade (Appadurai 1996; Castells 2011; Cottle 2009; Tarrow 2011). In this setting, mediatized environmental conflict occurs within an evolving ‘transnational public sphere’ (Fraser 2007) and global media flows sustain ‘imagined communities of risk’ where groups and/or individuals with common concerns connect across borders (Beck 2011; Fraser 2007; Volkmer 2014). These flows question who is the ‘affected public’ as industry and government try to limit community acceptance of a development or activity—known as the ‘social licence to operate’—to the geographical local while environmental campaigns attempt to widen the debate beyond the local (Lester 2016a; Parsons et al 2014). PEL as an environmental campaign tactic adds to this tension as the law provides a clear definition of who has ‘standing’ in court and hence who can legally make environmental claims (Bates 2016; McGrath 2008). This heightens the struggle for legitimacy in the legal sphere and may influence who is deemed to be the ‘affected public’ and who can genuinely contribute to public opinion.

The role of news media in reporting on environmental issues and the courts is extensive though rarely considered simultaneously (Konkes 2018). This research is conducted within a media landscape where both the environment and court news ‘beats’ are less resourced and there is an increasing reliance on public relations, news agencies and global image banks (Forde and Johnston 2013; Friedman 2015; Greenslade 2016; Johnston 2016; Machin and Hansen 2004). In environmental communications scholarship, there is general agreement that news media struggle to report on environmental issues leading to selective coverage (Anderson 2014, 2015; Lester 2010). Environmental issues can be complex, lacking certainty and be long term. This clashes with the event-driven news cycle based upon news values. Journalistic conventions, resource constraints, media ownership, framing and news production practices influence environmental coverage. Selective environmental news attention may lead to activist ‘mediated invisibility’ and in response environmental campaign tactics are designed to redress this power struggle (Lester and Hutchins 2012; Hutchins and Lester 2015). There is also tension between media, the courts and the idea of ‘open justice’ (Johnston 2018). Courts rely on media to translate court action and decisions for the public but also hold power in the relationship with journalists (Davis and Strickler 2000; Johnston 2002; Johnston and Breit 2010; Keyzer et al 2012). As with environmental reporting, court reporting is influenced by the need for quick translation based upon news values. However, courts have a controlled communication style, work within the bounds of legal discourse and grapple with the role of new technology in governing information flows from the court (Johnston 2018). In turn, journalists gain limited access to deeper legal interpretations which can result in the simplification of court decisions, inaccuracies and news reports reading like coverage of a ‘sporting event’ (Davis 2014; Haltom and McCann 2004; Spill and Oxley 2003:29).

The nexus of media and communications and environmental campaign research has largely explored the relationship between public protest and media, including how activists gain visibility and how they are framed (Anderson 2014; Cottle and Lester 2011; Hutchins and Lester 2015; Lester 2010). This has left environmental legal campaign tactics and their relationship with media less understood. Environmental campaigns use media and communications synergistically with legal action to gain public support (Preston 2006). Without media and communications, legal arguments and evidence potentially remain in the court and discourse contained within the legal realm. Like protest, PEL provides a space for activist voices but the power dynamics of mediatized environmental conflict changes with the introduction of legal actors and legal discourse. Legal discourse is formal and technical, while journalism and activism draw on other forms of popular discourse (Goodrich 1987; Johnston and Breit 2010; Lester 2010). When environmental issues and court cases collide, courtroom rules constrain environmental campaigners (McGrath 2016; Rajagopal 2005). Journalists may not be able to attend court and have time to fully understand cases. When the court hands down a decision, there is space for interest groups, including environmental groups, to respond and interpret through their own frame (Jamieson 1998). How these dynamics impact news representation of PEL during an environmental conflict is uncertain and poses the basis for this research.

1.3 Aim

This research aims to explore the relationship between environmental campaigns, PEL and media and communications to understand how this nexus contributes to public debate on environmental issues. PEL against the Adani mine is used as a case study. The interplay between conflict actors as defined by ‘mediatized environmental conflict’ is explored in the context of news media (Hutchins and Lester 2015), including how legal discourse is translated by news outlets and how communication strategies from conflict actors, such as

activists, the proponent, lobby groups and government, influence news media representation of PEL.

1.4 Scope

The scope of this research is the study of news coverage of PEL against the Adani mine project and is limited to legal cases drawing upon environmental law and conducted as a part of the environmental campaign to stop the mine between 2014 and 2017. Eight PEL cases initiated by conservation groups to stop the mine and expansion of Abbot Point Port occurred during this time and are outlined in Chapter Three. The scope excludes legal action initiated by the Australian Conservation Foundation in December 2018 against Adani's Northern Galilee Water Scheme due to research time limitations and the inability to collect data and track each case event prior to thesis submission (Australian Conservation Foundation 2018).

The scope also excludes legal action against the Adani mine project using native title law (see for example, *Burragubba v State of Queensland* [2016] FCA 984 (19 August 2016); *Burragubba & Anor v Minister for Natural Resources and Mines & Anor* [2016] QSC 273 (25 November 2016)). These cases are not ignored but considered in the context of PEL when news coverage of native title cases intersects with PEL cases. Even though environmental and indigenous groups are working together to fight against the Adani mine and there is significant native title legal action by indigenous parties, this aspect warrants a separate research project focused on native title law (#StopAdani 2019; Wangan and Jagalingou Family Council 2019).

As well as native title cases, there are other legal cases relevant and influential to the Adani conflict. These are excluded from this research to ensure a focus on environmental law and to reduce case study complexity. Types of cases excluded are:

1. Activist and/or farmer led litigation against other coal developments such as the Alpha Coal project in the Galilee Basin;
2. Litigation instigated by Adani, State and Commonwealth Government Ministers and departments and other stakeholders;
3. Court action related to pollution events from Abbot Point Port into the Caley Wetlands (Queensland Environmental Defenders Office 2018); and
4. Shareholders suing corporations for not disclosing climate change risks publicly (see for example, Environmental Justice Australia 2017).

Similar to native title cases, these are acknowledged as part of the broader conflict and considered when they intersect with the PEL cases in scope.

To understand news coverage of cases in scope, the time frame for data collection is from 2010 to 2017. This is based upon the first news media coverage of Adani's involvement in the project to the last PEL case event in scope in mid-2017. As the Adani conflict is still ongoing references are made to events which have occurred outside this timeframe where relevant for findings. This is further discussed in Chapter Three Approach and Methods.

1.5 My personal involvement

This research was inspired by my interest in the environment. I studied environmental engineering and environmental law and worked for over 15 years in industry applying these skills. I am not a protester, but someone more interested in solving problems. My long-term interest in protecting the environment caused some ethical dilemmas during this research. As a researcher committed to a strong response to the climate change threat, I question the need for new coal mines. This makes the objective and balanced study of news media representation of a new coal mine tricky at times and I needed to acknowledge these concerns yet manage them while conducting my research. To do this I included different views in my

analysis and approached a variety of stakeholders. Not all wanted to talk to me, but at least I tried to gain a balanced view. I also did not protest publicly or donate to any political party or group during this time and I also avoided talking to colleagues and friends about whether I supported the mine. As a part of media monitoring, I did not make comments on social media sites or ‘like’ any relevant posts during my research. These were little things compared to the big picture but staying true to these commitments for over three years—when combined with widely applied and respected methods for analysing media content—ensured this element of my research was at the forefront of my mind.

1.6 Referencing

In the texts collected for the news corpuses there were a large number of texts which had the same author and year. This made in text corpus citations using the Harvard system, ‘author year’, confusing in analysis chapters (Chapters Four, Five and Six). To overcome this issue the referencing system ‘author day/month/year’ is used in analysis chapters. This is consistent with the approach taken by Konkes (2014) in her thesis using a corpus with similar characteristics. This also distinguishes news texts when they are used as part of the corpus and provides a sense of time at a more granular level. News corpus texts are referenced in a separate reference list in Appendix A. A list of legal cases cited is found in Appendix B, relevant legislation in Appendix C and an interviewee list in Appendix E. All other citations, including press releases and non-corpus news texts, are in ‘author, year’ format and found in the References section.

1.7 Statement of significance

This research fills a significant gap in scholarly understanding of what transpires in the nexus of environmental campaigns, environmental law and media and communications and is the first lengthy study exploring the relationship between PEL and news media. Scholars have

identified the role of media in campaigns and the role of legal mobilisation as a tactic but have not explored how this eventuates in a mediatised world. Nor do scholars understand this intersection on campaign outcomes or the power of activists (see for example, Durbach et al 2013; McCammon and McGrath 2015; McCann 2006a; Preston 2006). In understanding the nexus, this research tests and extends the theory of ‘mediatized environmental conflict’ to explicitly include the legal sphere (Hutchins and Lester 2015). This draws upon the foundation provided by Konkes (2018) but furthers application across a greater number of cases and case events over a longer period of time.

This research also provides empirical Australian-based evidence on a high-profile environmental campaign, filling significant gaps in media and communication scholarship as identified by Hansen (2011). Environmental communication scholars have noted the lack of empirical evidence detailing these processes, the roles of different actors and the implications of transnational flows of media, politics and information (Anderson 2014; Hutchins and Lester 2015). Research focuses on what is visible in media (such as protest) and further consideration is required for ‘behind the scenes’ tactics which may influence media coverage. The case study takes this research beyond the event and within the context of the broader campaign and political and social context. In turn, this builds empirical knowledge of how social movements evolve over time, an area currently lacking in scholarship (della Porter and Tarrow 2005).

1.8 Chapter overview

The structure of this thesis follows a staged examination of the relationship between environmental campaigns, PEL and media and communications. Chapter Two defines the theoretical approach and draws upon a multi-discipline perspective, including media and communications, social movements and law. Within the concept of an evolving public

sphere, the chapter extends the theory of ‘mediatized environmental conflict’ to the legal sphere (Hutchins and Lester 2015). The chapter argues the relationship between environmental campaigns, PEL and media and communications warrants further investigation due to introduction of the power of the court, the legal sphere’s relationship with media and the differences between other more visible campaign tactics.

Chapter Three outlines how the relationship is examined, including case study selection and definition, application of discursive mixed methods and a description of the data collected. PEL against the Adani mine project is described, including individual cases, legal grounds and outcomes.

Chapter Four introduces analysis of the relationship between environmental campaigns, PEL and media and communications by exploring PEL newsworthiness and the use of language over time. Four Adani conflict news coverage phases are identified: (1) the *Early Years* phase, (2) the *Conflict Builds* phase, (3) the *Legal Action* phase and (4) the *Household Name* phase. Language used to describe PEL—as represented by *court conflict*, *activist tactic*, *public right*, *bureaucracy* and *criminality* frames—is then traced through these phases to understand the influence of legal discourse and conflict actor claims. The chapter argues that despite PEL news coverage rarely peaking at controversial levels, the consistent and sustained coverage of PEL events over time keeps an environmental campaign in the news. The language used is highly influenced by conflict actors outside the court and reflects the politicisation of PEL, with the concept of the ‘local’ and who has legitimacy to take legal action a pivotal aspect of the debate.

Chapter Five furthers the understanding of the influence of conflict actors on PEL in the news by evaluating source visibility. The chapter argues PEL gives conservation groups greater ‘mediated visibility’ and litigants do not struggle to receive media attention (Thompson

2005). Society's reverence to the law and the strength of legal symbols provides litigant legitimacy and an alternative view of activism. Other legal parties do not desire media attention, but journalistic court reporting conventions ensure they are also visible in the news.

Chapter Six extends the idea of source visibility to news images in PEL news reporting and questions how news media visualise PEL, the influence of public relations and advocacy strategies and audience interpretations. This chapter finds images function to reinforce the coal industry brand, provide 'mediated visibility' for litigants and the environmental movement, show photographic evidence of biodiversity at threat and climate change impacts and demonstrate social relationships between conflict actors and legal parties. This chapter argues that even though we live in a visual society, the dominance of coal industry generic images in PEL news encourages the viewer *not to really look* at the image but draw on cultural understandings of the coal industry brand which reinforce the importance of coal to Australian society.

Chapter Seven concludes the thesis by exploring the changing relationship between environmental campaigns, PEL and media and communications in the context of the analysis chapter findings. PEL destabilises power dynamics between conflict actors and provides opportunities for conservation groups as litigants to gain news attention in a way unachievable through other claim-making forms, such as protest. In turn, this news visibility encourages debate concerning the role of the 'local' in decision making and undermines environmental campaign legitimacy to initiate PEL, reinforcing a geographical local definition of 'social licence to operate' (Parsons et al 2014). Chapter Seven also highlights the complexity of media and communications research in the current media environment and suggests further research to extend the understanding of environmental campaigns and legal action. These conclusions support the importance of the legal sphere to mediatized environmental conflict.

2 ENVIRONMENTAL CAMPAIGNS IN COURT AND MEDIA

2.1 Introduction

Researching the nexus of environmental campaigns, Public Environmental Litigation (PEL) and media and communications requires a multi-disciplinary theoretical framework drawing upon media and communications, social movements and the law. The aim of this chapter is to describe the theoretical framework and identify gaps in knowledge. The chapter introduces PEL and the use of law by social movements to understand the relationship between environmental campaigns and the law and then delves into media and communications theory with a focus on ‘mediatized environmental conflict’ (Hutchins and Lester 2015). The framework emphasises Australian research as the case study is based on PEL initiated within Australia but international studies on the law, media and social movements are included where relevant. The chapter shows environmental campaigns initiate PEL as a strategy to protect the environment but require an evolving public sphere to ensure legal discourse does not remain in the legal realm. In this space, news media coverage provides a visible stage for legal discourse to influence mediatized environmental conflict but challenges the definition of the ‘affected public’ and the ‘social licence to operate’ through global flows of information and awareness (Lester 2016a; Parsons et al 2014). The chapter argues further research is warranted to understand how introducing the legal sphere changes power dynamics in mediatized environment conflict and whether this differs from other forms of environmental campaign claim-making during public environmental debate.

2.2 Public Environmental Litigation and the use of law by social movements

2.2.1 What is PEL?

PEL is an environmental dispute resolution process defined as ‘proceedings in a court or tribunal undertaken by a private individual or community group where the dominant purpose is not to protect or vindicate a private right or interest but to protect the environment’ (McGrath 2008:327). Groups and/or individuals can initiate PEL when there are legal opportunities to take legal action defined by the law (Bates 2016). PEL exists in two forms, either ‘litigation by private individuals to enforce common law or statutory rights’ or ‘litigation against government administrative decisions involving environmental matters’ (McGrath 2008:328). The same laws governing PEL provide opportunities for other aggrieved parties to take legal action, such as corporations proposing new developments (Bates 2016).

PEL is a subset of public interest litigation. This broader form of litigation has numerous definitions but is ‘typically defined as proceedings in which the public or the community at large has some pecuniary or legal interest’ (Forster and Jivan 2008:1). Interest groups take legal action to create social change through law and attempt to move community attitudes and behaviour to bring ‘wholesale change’ (Durbach et al 2013:219). The tactic is particularly useful for groups and individuals who lack resources and power to influence public policy (Durbach et al 2013).

2.2.2 PEL as a campaign tactic

The use of PEL as a ‘strategy for citizen action’ to protect the environment was highlighted by Professor Joseph Sax in his book *Defending the Environment* (1971). He recognised the role of the court in managing the environment as well as the importance in upholding democracy and the law. Chief Justice of the New South Wales Land and Environment Court

Judge Brian Preston (2006) drew on Sax's ideas to argue the benefits of PEL in the context of the Australian legal system. He, and others, have argued PEL is an important tool for environmental protection by enforcing environmental laws; ensuring good government decision making; developing legal principles; focusing public debate; and highlighting law reform issues (Bates 2013; Clark 2016; McGrath 2008, 2016; Preston 2006; Sax 1971). PEL reflects the increasing role of public participation in environmental decision making and the use of formal legal processes to object to actions risking environmental harm (Clark 2016; Richardson and Razzaque 2006). By testing environmental laws, PEL has the power to strengthen law as well as highlight vulnerabilities and weaknesses.

In social movement theory, legal action by social movements provides a stage for claim making as a part of 'contentious politics', where disputes, collective action and politics overlap (Tarrow and Tilly 2015). Austin Turk (1976) described the use of the law in social conflict as a 'weapon' where the law has power to 'generate and exacerbate conflict' rather than lead to dispute resolution (276). These views align with Jackie Dugard and Malcolm Langford's (2011) view that public interest litigation is not necessarily about the court outcome and 'can constitute politics by other means' (64). In this context, PEL as a part of an environmental campaign is both a political and legal act and a symbol of resistance (Konkes 2018).

Use of the law by social movements is a strategic tactic involving planning legal areas and cases, devising legal framing and mobilising support networks to encourage success (McCammon and McGrath 2015:134-135). Legal campaign tactics apply to both localised and transnational campaign activities and are conducted alongside other campaign repertoires, such as public protest; building public capacity; political lobbying; communications strategies; electoral advocacy; resource and information sharing; policy development; and direct enforcement (Bandy and Smith 2005; della Porter and Tarrow 2005;

Eilstrup-Sangiovanni and Phelps Bondaroff 2014; Keck and Sikkink 1998; McCann 2006a; Tarrow and Tilly 2015). Of these, legal action and media and communications tactics are used synergistically for publicity and public education purposes (Levitsky 2011; Silverstein 1996). For Preston (2006), media attention gained by PEL is democracy in action and PEL news coverage ‘serves to alert citizens that an issue is arising which deserves their attention’ and consequently empowers citizens to make political representations (399). In their work, Scott Barclay et al (2011) argued social movements use legal action to broadcast ‘grievances, to attract elite support, and to mobilize new activists to participate’ (9). There is evidence public interest litigation attracts media attention, with Gwendolyn Leachman’s (2014) study in the United States of America (US) on the lesbian, gay, bisexual and transgender movement (LGBT) showing public interest litigation was the most visible LGBT movement tactic in news media. In another US study, animal rights activists perceived there was a greater likelihood of media coverage once a lawsuit was filed and in the public domain as they were less likely to be sued (Silverstein 1996:198).

Within Australia there have been several successful uses of PEL as a part of environmental campaigns, particularly regarding World Heritage Areas. Examples include stopping the damming of the Gordon and Franklin Rivers in Tasmania, mining on Fraser Island, Queensland and logging in the Tasmanian Lemonthyme and Southern Forests (Preston 2006). The case to prevent damming of the Franklin and Gordon Rivers in Tasmania (*Tasmanian Dams case*) exemplifies environmental campaign tactics to create political tension and achieve change through legal means. In this landmark environmental legal case, the Commonwealth Government successfully tested the validity of newly enacted Commonwealth laws in the High Court of Australia and prevented construction of the Gordon-below-Franklin Dam (Bates 1984, 2013). Leading up to and during the case, Australia observed the politically and socially charged protest actions to stop the dam through

a mediatised lens. Tasmanian-based protest action, led by the Wilderness Society, used media to mobilise support from mainland Australia and leverage political support during the 1983 Federal election campaign (Lester 2007). The High Court decision was both environmentally and legally significant for Australia and reflected the power of a ‘modern pressure group to command and manipulate public opinion so as to effectively create government policy on a controversial issue’ (Bates 1984:343). This historical case is a pivotal reference point for my research as it demonstrates the power of the law and media on Australian environmental politics.

2.2.3 The law, courts and social change

Understanding the relationship between law, courts and social change is largely founded on research of the US legal system (see for example, McCann 1994, 2006a, 2006b; Rosenberg 1991; Scheingold 1974). Scholarship shows this may be problematic for an Australian-based empirical study as it is difficult to compare different legal systems i.e. common law versus civil law (Durbach et al 2013). As Australia uses a common law system, this problem can be overcome by drawing on research on public interest litigation in countries who also use common law, such as India, United Kingdom (UK), Bangladesh and South Africa (see for example, Amit 2011; Dilay et al 2019; Forster and Jivan 2008; Karim 2019; Liberty and the Civil Liberties Trust 2006). Despite this dilemma there is ‘sufficient common ground’ between the way public interest is ‘pursued’ between countries, such as Australia, the US and South Africa, to support some degree of comparison beyond the common law constraint (Durbach et al 2013:221). Likewise, research in other countries and regions, such as China and Europe, can be used to provide different perspectives on the relationship between social movements and the law (see for example, Jans and Marseille 2010; McCann 2006b; Qi 2018).

Testing the law is not a simple campaign tactic and there is debate as to whether the use of the law by interest groups achieves social change (Kostiner 2003). In the US, the Supreme Court has interpreted the law in environmental cases resulting in both marginalising and sanctioning environmental values (Cannon 2006). Stuart Scheingold argued in his text *The Politics of Rights* (1974, 2004) that the law's ability to directly empower and create social change is a 'myth' as legal norms and practices reflect the society in which they are enacted. He argued the belief of legal rights can be used indirectly as a 'resource' to create social change through political means (Scheingold 2004: xiii). Gerald Rosenberg's well-cited study, *The Hollow Hope* (1991, 2008), supports the view courts are unable to directly achieve social change. He used evidence across a range of social movements, including environment, to argue litigation often fails to create meaningful change and can have negative impacts on social movements. In contrast, legal and social movement scholar Michael McCann (1994) concluded positive impacts on the law and social movements in his study of the pay equity movement and argued social movements use the law strategically to empower and mobilise campaigns and create political influence.

Many scholars use the term 'legal mobilization' to describe how social movements engage with the law (see for example, Burstein 1991; McCammon and McGrath 2015; McCann 1994, 2006a, 2006b; NeJaime 2011). Legal mobilisation is defined as 'when activists move into the judicial arena and make their claims in court' (128). Social movements 'conceptualize their grievances as a violation of individual rights that can be remedied by mobilizing the law' (also known as 'collective rights consciousness') (McCann 2006a; McCammon and McGrath 2015:129). McCann (2006a) also argued 'movement actors draw on legal discourses to name and to challenge existing social wrongs or injustices', to frame the 'unjust' and to build a common identity (McCann 2006a:25). In this context, social

movements do not need to take formal legal action in order to legally mobilise but merely need to frame their arguments in legal terms.

The relationship between social movements and the law can be further understood using the concept of the ‘legal opportunity structure’ defined as the ‘features of the legal system which facilitate/hinder social movement chances to have their [social movement’s] grievances redressed through the judiciary’ (Fazio 2012:4). Holly McCammon and Allison McGrath (2015) argued this structure is fluid—either ‘open’ or ‘closed’ to legal reform and action—depending on the actors concerned, the political climate, and access to political and legal elites (130). In the context of the US and Irish civil rights movement, Gianluca Fazio (2012) found a closed opportunity structure led to increased protests, while an open opportunity structure encouraged litigation and ‘contentious activities’ (3). In Lisa Vanhala’s (2012) UK study, environmental non-government organisations continued to legally mobilise ‘despite significant losses on substantive legal issues, difficulties gaining standing and high costs awarded against them under the ‘loser pays’ system’ (523). She described the opportunity structure as ‘paradoxical’ and ‘hostile’ and concluded non-government organisations legally mobilise to show failures of the law and to ‘improve future access to justice for themselves and other groups’ (523).

For this research, the Australian legal opportunity structure governs legal action by social movements and is defined by a combination of State, Territory and Federal environmental law outlined by the Australian Constitution (Bates 2013). This creates complex law-making and adjudicative processes, with authority spread across levels of governments and judiciary and more or less legal opportunities depending upon the subject matter (Bates 2013; Durbach et al 2013). Within this complex system, an important legal provision influencing legal opportunity is whether the court recognises an individual or group’s legal rights to be heard. This is referred to as ‘standing’ (Bates 2013; McGrath 2016). Standing in court varies

depending upon the relevant laws in each jurisdiction (Bates 2013). The main Federal environmental legislation in Australia, the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth), contains provisions giving conservation groups standing under certain circumstances (*Environment Protection and Biodiversity Conservation Act 1999* s 487). This extends, or ‘widens’, the traditional standing test ‘which requires a personal or proprietary interest in the subject matter of the proceedings’ and gives greater opportunity for conservation groups to be heard in court (McGrath 2016:5).

As well as standing provisions, there are additional constraints concerning the type of legal challenges at a Federal level in Australia (Bates 2016; McGrath 2008). Under the *Environment Protection and Biodiversity Conservation Act* development approval challenges are limited to judicial review. Judicial review ‘looks at whether an exercise of statutory power by government was exercised lawfully’ (Bates 2016:63). This compares to merit reviews which ‘look at whether the decision is justifiable and acceptable’ (Bates 2016:63). In Australia merit reviews are conducted in specialist environmental courts and the availability to ‘third parties’, such as community-based objectors, is limited generally to significant developments approved by a local or ministerial authority (Bates 2016:945). In his discussion on public environmental litigation in Australia, Chris McGrath (2008) argued the difference between merit and judicial review impacts legal argument positioning and limits conservation groups in court. When only judicial review is allowed, conservation groups cannot argue the development will harm the environment based upon facts and scientific evidence (as is allowed in a merits review) but must argue whether the government administrative decision is legal. McGrath (2008) described judicial review as:

like trying to fight the development in a straight-jacket – the public interest litigant wants to say ‘the development is a bad idea and shouldn’t be allowed’, but the judicial review process prevents this issue being raised. (330)

In judicial review there is a reliance on procedural error, and, at worst, a party may have to concede there is no basis for a legal challenge (McGrath 2008). These constraints are not necessarily negative and in the Netherlands environmental non-government organisations using judicial review are considered ‘successful litigants’ (Jan and Marseilles 2010:27). For industries, such as the oil and gas industry, the opportunity to take legal action against projects is perceived as an increasing business risk (McMahon and Williams 2019).

Another major consideration for social movements taking legal action are the high costs and the significant resources and legal knowledge required for legal mobilisation (Durbach et al 2013; Kallies and Godden 2008; McCammon and McGrath 2015; Pain and Pepper 2019; Vanhala 2012). In Australia (like the UK but unlike the US), legal costs are generally awarded against the losing party (Durbach et al 2013). This places significant pressure on interest groups to either win or have financial backing to pay legal costs, including resorting to ‘crowdfunding’ to finance action (Hamman 2015). High legal costs may prohibit legal action or potentially divert resources away from other campaign activities and contribute to failure for the movement to expand (McCann 2006a). Financial requirements also place pressure on community legal centres and pro bono legal practice. Durbach et al (2013) argued this is particularly an issue in Australia where community legal centres are less reliably resourced compared to other countries and the legal culture does not promote traditional lawyers to be social change lawyers. Losing cases can mean bankruptcy or insolvency for groups taking legal action (see for example, *Australian Associated Press* and *SBS* 2019).

Social change lawyering, or ‘cause lawyering’, can help reduce the financial burden of legal action for social movements, but with this support comes further complexity between social movements and the law (see for example, O’Brien 2011; Sarat and Scheingold 2006). Legal professionals working in public interest litigation can experience tension as they gain

meaning and professional fulfilment from working on a cause but must also act in accordance with their role in the legal system. Even though legal professionals are guided by ethical standards (see for example, Law Council of Australia 2019), lawyers must navigate the constraints of the legal system which often focuses on the rights of the individuals rather than broader legal reform. Lawyers also have their own personal values and morals concerning the cause which may or not complicate their work. This nexus questions whether cause lawyers work for or within a movement and how this influences a movement's strategy and success (Levitsky 2006; Sarat and Scheingold 2006). According to Corey Shdaimah (2006), who interviewed 'left activist' cause lawyers from US not for profit public interest law firms, cause lawyers often identify more with social movements than the legal profession (242). Sandra Levitsky (2006) argued legal strategies deployed separately from the overall movement may lead to disconnection, leaving the movement 'vulnerable to political backlash' and resulting in victories with no reform (158). She questioned whether a professional lawyer can ever represent the diversity of movement participants.

In Australia, legal professionals with 'activist backgrounds' helped to establish community legal centres working in the PEL area (Giddings and Noone 2004:258). These legal centres continue to spearhead PEL in Australia and have developed different cultures and practices from traditional legal firms (Giddings and Noone 2004; O'Brien 2011; Preston 2006).

Despite these centres, legal professionals in Australia still find it 'difficult to conceptualise their role outside of the dominant liberal ideas of the law and the lawyer' (O'Brien 2011:86).

His Honour Judge Rackemann from the Queensland Environment and Planning Court (2016) highlighted the challenges faced by the courts by cause lawyering in his discussion of environmental public litigation during environmental conflict. He described cause lawyers as those 'furthering the lawyer's vision of what is best for the good of society, according to their own beliefs or agendas' (Rackemann 2016:2). Rackemann extended this concept to judges

and advised ‘caution and restraint’ so as not to ‘undermine’ the court through legal activism (Rackemann 2016:14). This is pertinent in Australia where news media in early 2019 called Justice Brian Preston ‘activist’ and ‘green’ when he ruled against a coal mine due to climate change (see for example, Bolt 2019; Patrick 2019). Justice Preston’s prior involvement in community legal centres blurred his legal identity and his intent was questioned rather than the legal validity of the decision. Unclear identities in the legal system, combined with the legal system’s structural and cultural constraints, influences how lawyers and judges see themselves and their role in causes. This complexity opens opportunities for others to question motive and whether the law is being used ethically.

Even if a social movement has the legal opportunity and the finance to initiate a case in court, there is no guarantee legal action will be successful. The law and legal system have the power to reinforce current social norms and not deliver the change demanded (Durbach et al 2013; McCann 2006a; Qi 2018). The judiciary also has the power to change the law and create new societal norms through their role to uphold, test and interpret law (Bates 2013). Climate change litigation exemplifies this dilemma where largely absent law has driven legal action that tests whether current Australian environmental laws and regulations can extend to include the impacts of climate change (Preston 2011). In these cases, the judiciary has the power to extend the law if needed (see for example, Hughes 2019). As courts are evidence driven and bound by strict rules, climate change litigation faces significant barriers and, rather than case wins leading to environmental protection, climate change litigation often leads to calls for law reform. In response to social movement wins, governments can also change the law and effectively reverse the decision and/or reduce opportunities for challenge. This was observed in the context of Australian native title law when the Federal Government amended the *Native Title Act* to overcome the decision in *McGlade v Native Title Registrar*

[2017] FCAFC 10 (McGlade decision) which effectively annulled Indigenous Land Use Agreements and placed development in legal uncertainty (Flynn et al 2017a, 2017b).

2.3 Mediatized environmental conflict

With an appreciation of PEL as an environmental campaign tactic and the legal opportunities and barriers environmental campaigns must navigate, the second element of the theoretical framework focuses on the media and communications theory of ‘mediatized environmental conflict’ (Hutchins and Lester 2015). This section explores the concept’s foundations and extends the definition to include the legal sphere.

2.3.1 Definition

Mediatized environmental conflict is a process of ‘complex interactions occurring between four key spheres of action (i) activist strategies and campaigns, (ii) journalism practices and news reporting, (iii) formal politics and decision-making processes and (iv) industry activities and trade’ as expressed through media (Hutchins and Lester 2015:339). In their outline of this theory, Brett Hutchins and Libby Lester (2015) argued each of these ‘spheres has its own networks of media, political and economic power which are governed by institutional affordances and limitations, professional norms and practices, commercial opportunities and the uneven command of symbolic power resources’ (339). These spheres represent a form of conflict actor. Mediatized environmental conflict acknowledges the actions of these actors, including media, and how these influence media representation of the conflict for public debate.

Mediatized environmental conflict is consistent with scholarship on environmental discourse (Dryzek 2013; Hajer and Versteeg 2005). John Dryzek, author of *The Politics of the Earth: Environmental Discourses* (2013), defined discourse as a ‘shared way of apprehending the world’ (9). He argued the complicated nature of environmental issues creates numerous

perspectives on problems and solutions, generating conflict as actors struggle to communicate meanings. Dryzek (2013) argued the communication of these perspectives provides insight into environmental politics and how society tackles environmental problems.

2.3.2 Mediatisation

Mediatized environmental conflict is founded on the critical media and communication theory of 'mediatisation', a much used and highly contested scholarly term (Hepp et al 2015; Robertson 2015; Strömbäck 2008). Mediatisation is used to explore societal power, the integration of technology into everyday life and the conflict between politics and media. In his analysis, Jesper Strömbäck (2008) described mediatisation as a four phased process where the first phase is 'mediation' and media is the main source of information and likely to be influencing public opinion. He argued the degree to which mediation then moves through to the next three stages of mediatisation is influenced by how actors use 'media logic' in policy and decision making rather than political or societal norms (Strömbäck 2008:237). The process of mediation to mediatisation places the role of media beyond an information provider and links with other globalising processes. Globalising processes, such as communication and travel, support 'the expansion and intensification of social relations across world-time and world-space' (Steger 2013:744). In this context, globalisation scholars have argued these processes intensify global flows and help to create a global connectedness and a global culture (see for example, Appadurai 1996; Axford 2016; Lash and Lury 2007; Robertson 2016; Szerszynski and Urry 2002). Roland Robertson (2012) argued globalisation can also mean diversity at the local level, coining the term 'glocalisation' to describe the local and global interactions (194). Within this global perspective, Alexa Robertson (2015) described the 'mediatization paradigm' where 'the media become independent and powerful in their own right, and permeate all other spheres of society' (164). Public events are media

events—strategised and staged—leading to audiences questioning what is real, accurate and believable (Cottle 2006b; Dayan and Katz 1994; Robertson 2015).

Media and communications scholar Simon Cottle (2006a) extended the theory of mediatization to ‘mediatized conflict’ and argued the flow of images, news and other communication concerning war and conflict is a significant component of the global age. He contended media are active in this process; they do not just disseminate images and text but influence the way in which audiences interpret information through practices and technology. Hutchins and Lester (2015) took ‘mediatized conflict’ and extended the idea to environmental issues. They argued the environment is important politically and news media play a significant role in communicating and defining environmental risks during public debate.

The Adani conflict during the time period of the case study is an example of mediatized environmental conflict. Using Strömbäck’s (2008) mediatization process model, the interaction between media, political, institutional and other actors is beyond mediation and moved to a space where ‘media logic’ influenced conflict actor communication. How deep mediatization processes operated is not clear but further explored in later research analysis chapters.

2.3.3 Power and visibility

Mediatized environmental conflict is based upon a discursive struggle for ‘mediated visibility’ influenced by societal power (Thompson 2005). This is a consistent theme across broader media and communications research (see for example, Anderson 2014; Castells 2007, 2010; Gamson and Wolfsfeld 1993; Lester and Hutchins 2012; Konkes 2018; Thompson 2005). The concept of ‘mediated visibility’ was explored by British sociologist John Thompson (2005) in his work on political elites. He argued mediated visibility significantly influences the public domain and ‘has become the principal means by which

social and political struggles are articulated and carried out' (Thompson 2005:49). Actors fighting for visibility are given 'a kind of presence or recognition in the public space', but also face 'obscurity': the consequence of invisibility (Thompson 2005:49). For societal elites, mediated visibility is high risk as public mistrust or 'scandal' can develop and 'it is impossible for any party to control completely the words and images that circulate in the public domain' (Thompson 2005:49). The struggle between those who are visible and those not is strong throughout Thompson's work and this is deepened in the study of mediatized environmental conflict.

To theorise how power and visibility influence mediatized environmental conflict, Hutchins and Lester (2015) drew upon the significant work undertaken by Spanish sociologist Manuel Castells on the power of communication, information, media and the 'rise of the network society' (2007, 2008, 2010, 2011, 2012). Castells (2007) argued communication and information influence what people think and plays a significant role in determining the 'norms and values' on which society is built (Castells 2007:238). As information providers, media play a crucial role and 'have become the social space where power is decided' (Castells 2007:238). In a 'network society', information flows connect different actors (or nodes) in the network. Actors who connect different networks hold significant power. Castells calls these actors 'switchers' and argues they are 'fundamental sources in shaping, guiding, and misguiding societies' (2010:502). Hutchins and Lester (2015) directly adapted Castells' notion of 'switchers' to understand how those who have power are able to control their level of media visibility and gain strategically in environmental conflict (Hutchins and Lester 2015:1). Even though power is greatly desired by environmental campaigners, 'environmental activists are not switchers' and 'cannot control connection points' between the other more powerful stakeholders such as politicians and business. In response, activists

‘aim to temporarily *destabilize* or, optimally *disrupt* the smooth functioning of capital and government’ (Hutchins and Lester 2011:161; emphasis in original).

Activist disruption leads to a shifting power relationship between activists and media, described by some scholars as ‘tap-dancing’, ‘tug-o-war’ and doing the ‘tango’ (Anderson 2014; Hutchins and Lester 2006). However, despite these creative metaphors, many scholars have agreed power is possessed by media during environmental conflict due to their ability to determine and shape visibility (Anderson 2014; Benford and Snow 2000; Hutchins and Lester 2006). In Benford and Snow’s (2000) analysis of social movements and discourse framing, they argued media is a player in the ‘contested process’ of communicating collective action frames and that ‘activists are not able to construct and impose on their intended targets any version of reality they would like’ (265). Activists may desire media attention, but media have the power over whether to publish and how.

Actor power in mediatized environmental conflict is also demonstrated through ‘mediated invisibility’ and during Lester and Hutchins’ (2012) study of the Tasmanian Forestry Wars they observed a ‘concerted attempt at containment’ during negotiations between conflict actors (860). They argued ‘the ability to strategically avoid appearing in the media is arguably a key – and dynamic – resource’ (851). Lester and Hutchins found all actors strived to gain ‘mediated invisibility’ and avoided media framing in order to come to resolution in an intractable situation. In this circumstance, industry, government and activist actors had power over media.

2.3.4 The evolving public sphere and legitimacy

Mediatized environmental conflict takes place within an evolving public sphere. The ‘public sphere’ is an important theory in the study of media and communications and conceptualises the societal conditions for individuals to freely discuss political and social matters, including the environment (Habermas 1989). First theorised by Jurgen Habermas in his well-known work *The Structural Transformation of the Public Sphere* (1989), the ‘public sphere’ is based upon the notion of democracy and the sovereign state. In classic public sphere theory, interlocutors are within the same political boundary, communicating in the same national language and supported by national print media. Media support the public sphere by providing information to citizens and holding decision makers to account.

Today’s media landscape challenges this nation-based view of the public sphere (Fraser 2007; Nash 2014; Thussu 2018; Volkmer 2014). Advances in communication technology, such as the internet, satellites and mobile phones, facilitate a global communication system and support an array of globally connected media platforms. Citizens no longer rely on the local newspaper for news but find information on the internet, television, social media, digital media and radio. Since the 1980s media content is influenced by the growth of transnational media corporations who have transformed isolated national media systems to a system globally connected and essentially privately owned and profit driven (McChesney 2001; Murphy P 2017). In response to changes in audience behaviour and the corresponding impacts on business models, separate media industries have merged and/or alliances created (Cunningham and Turner 2010). Global media organisations are prominent, and media operate in a more competitive and complicated landscape. The need to attract audiences and advertising revenue often leads to ‘media increasingly providing entertainment rather than information’ (Cunningham and Turner 2010:5). In this global context, the basic assumptions

behind public sphere theory do not reflect how people are consuming media nor how they are engaging in public debate.

In conceptualising these changes, American scholar Nancy Fraser (2007, 2014) argued for the evolution of the ‘public sphere’ to the ‘transnational public sphere’. She contended current societal trends invalidate the state-based assumptions of public sphere theory as there is no longer a strong correlation between the identified public and the citizen of a territory. If national borders are transgressed, the ‘corresponding public sphere must be transnational’ (Fraser 2007:22). In a transnational public sphere ‘public opinion is legitimate if and only if it results from a communicative process in which all potentially affected can participate as peers, regardless of *political citizenship*’ (Fraser 2014a:31, emphasis in original).

Rather than evolve the public sphere to the transnational public sphere, media and communications scholar Ingrid Volkmer (2014) theorised the ‘global public sphere’. She argues ‘public communication is no longer local, national or transnational but rather constitutes “reflexive” communication, which unfolds across a sphere of globalised “reflective” interdependence’ (Volkmer 2014:3). Communication flows are no longer ‘international’ or ‘trans-border’ but discursively related. Individuals define their own communication channels and content; they access these on their own terms, on their own devices, whenever they want. Flows of information between social media and established media organisations across distance create a ‘reflexive’, ‘diverse’ and ‘decentred’ public space where power is ‘constantly shifting’ (Volkmer 2014:135). ‘Amplified’ and ‘interlinked’ communication environments, where everyone can generate content, verify data and accelerate flows, providing opportunity to shift power to alternative voices, especially in times of crisis (Volkmer 2014:136). Both Volkmer (2014) and Fraser (2007) argued that we can no longer think in simple terms about the media landscape and the connections it creates in society.

Influential sociologist Ulrich Beck (2009, 2011, 2013) furthered ideas of global information flows supporting global connectivity and awareness in his theory of ‘imagined communities of risk’ (2011:1349). Drawing upon sociologist Benedict Anderson’s (2006) argument that nations are ‘an imagined political community – and imagined as both inherently limited and sovereign’ (6), Beck argued people connect across borders and are aligned by common interests and concerns about global risk, such as climate change (2011). ‘Imagined communities of risk’ are supported by global media reporting on global risks and creating ‘cosmopolitan events’ (Beck 2011:1349). Beck contended news media has seen the end of the ‘global other’ and creates ‘an awareness that strangers in distant places *are following the same events with the same fears and worries as oneself*’ (Beck 2011:1350, emphasis in original). Supporting this view, Cottle (2009) described the world as ‘increasingly interconnected, interdependent and *crisis ridden*’ (170, emphasis in original). Cottle argued media ‘sustain[s] forms of global awareness, global citizenship and even, perhaps, an emergent global cosmopolitan outlook’ by drawing upon global crisis (Cottle 2009:24). For both Cottle and Beck, global connectivity changed the way people think about the world, placing media in a position of significant influence.

The evolving public sphere and global flows of information mean we can no longer constrain communication to the local or the national. These changes influence how environmental campaigns are enacted. The internet, use of digital media and the convergence of ‘old’ and ‘new’ media platforms has increased campaign communication and networking opportunities at local, national and transnational scales (Pickerill et al 2011). However, this has implications for determining who has a legitimate voice in public environmental debates, particularly if these debates concern global environmental issues, such as climate change, where global actions impact local environments. This tension exists in the Adani conflict where the global risk of climate change clashes with local economic benefits of exporting

coal. This mix of local and global discourse questions who has the legitimacy to challenge the status quo.

The theory of ‘social licence to operate’ attempts to resolve this tension by providing a sense of community acceptance for an activity or industry (see for example, Hall et al 2015; Moffat and Zhang 2014; Parsons et al 2014; Zhang et al 2015). Social licence is an intangible non-legal concept that has crept into public discourse. Contentious industries, such as forestry and mining, use the concept to engage stakeholders and gain community support to access resources (Lacey et al 2016; Lester 2016a; Moffat and Zhang 2015; Parsons et al 2014). Social licence to operate includes the desire of communities to be involved in decision making, their need to ensure operations are appropriately regulated and community expectations of development benefits (Parsons et al 2014).

A fundamental challenge to the practical application of this theory is the definition of the community and who gives the licence. Richard Parsons et al (2014) argued mining companies aim to ‘restrict social licence issues to the local’ to simplify stakeholder engagement and prioritise local needs (83). However, as argued by Lester (2016a), this desire is juxtaposed by the transboundary nature of global information flows in an interconnected society where what constitutes local cannot be contained by the geographical. She argued:

the concept of a ‘social licence’ will inevitably produce and then be confronted by an expanded and amorphous ‘affected public’, whose constituent parts can make claims to environmental and economic interest and impact. This is what media do. (Lester 2016a:549)

The connection between ‘social licence to operate’ and ‘affected public’ raises questions of who influences environmental politics in today’s interconnected society. If social licence to operate is restricted to the local, environmental campaigners (as ‘affected publics’) do not have a voice in local decision making, even if the impacts of decisions are global and they are

active in the public sphere. In the case of the Adani conflict, this infers non-Australians concerned about climate change do not have a say in whether Australia builds new coal mines.

The vague ‘affected public’ is also in stark contrast to the clear definition set in a nation’s environmental laws for who has ‘standing’ in court and therefore who has a voice in the legal sphere (Bates 2013). This furthers tensions regarding ‘affected public’ and ‘social licence to operate’ as ‘standing’ does not necessarily align with campaign actors nor definitions of the ‘community’. Environmental campaigners engaging in legitimate public discourse may not have legal standing in court, let alone be able to convert these claims into legal arguments. This may influence power dynamics in mediatized environmental conflict as the struggle for legitimacy is heightened in the court room and possibly influences who is deemed to genuinely contribute to public opinion in the evolving public sphere.

2.3.5 Theoretical application

The theory of mediatized environmental conflict originated from the study of environmental conflict in Tasmania, Australia, including the conflict over the construction of hydroelectric dams and the forestry industry (Hutchins and Lester 2015; Lester 2007). Over time the theory has been directly applied to the salmon industry (Cullen-Knox et al 2019) and briefly in the coal industry (Konkes 2018). Claire Konkes (2018) examined one controversial PEL event against the Adani coal mine and argued the visibility of PEL is an important yet ‘overlooked’ aspect of mediatized environmental conflict (191). Coco Cullen-Knox et al (2019) found different mediated approaches to the Tasmanian salmon farming debate influenced the visibility of conflict actors. This included increased visibility of some actors, the relative silence of scientists and the shift of responsibility for holding governments and industry to account to an ‘industry player’ (307).

Outside direct application of mediatized environmental conflict, there are a number of relevant studies across industries and academic fields. Studies exist related to the coal industry, media, communication strategies and public discourse which are particularly relevant to this research (see for example, Bacon and Nash 2012; Brevini and Woronov 2017; Demetrious 2017; Konkes 2018; Lehotský et al 2019; Schneider et al 2016; Worden et al 2014). There is also a plethora of research on media representation of climate change which supports understanding, particularly as coal is a significant contributor to global carbon emissions (Cox and Depoe 2015). The study of media and environmental conflict is also explored in the extractive and mining industries, wilderness and tourism, genetically modified food, industrial disasters and the marine environment (see for example, Crouch and Damjanov 2011; Evensen et al 2014; Jaspal and Nerlich 2014; Hendriks et al 2016; Lankester et al 2015; Lester 2016b; Mazur 2016; McGaurr 2010; Reul et al 2016; Sharma 2014; Stoddart and Sodero 2015; Waisbord 2013).

The most extensive study on the coal industry and news media discovered was a ten-year analysis of Czech Republic daily newspaper coverage of the coal industry (Lehotský et al 2019). Lukáš Lehotský et al (2019) found ‘selective disentanglement of coal production and consumption’, ‘little attention paid to the environmental issues caused by coal mining’ and an emphasis on the ‘well-being’ of private coal companies (783). They concluded these media discourses created a discursive space enabling private coal company economic problems to become public problems with greater ease than environmental issues. From an Australian perspective, Sandy Worden et al (2014) found slightly different results when analysing coal mining coverage from 2000 to 2013. They observed discourse moving from an economic frame to the impacts of coal mining. They also found coal companies were the most significant stakeholder voice and local news outlets grew in importance over time compared to national outlets. Other scholars highlighted the influence of the coal industry’s public

relations campaigns on public discourse, with one of the more extensive studies by Jen Schneider et al (2016), *Under Pressure: Coal Industry Rhetoric and Neoliberalism*, analysing five coal campaigns in the US. They identified five key rhetorical approaches shaping how the community thinks about coal: (1) 'Industrial Apocalyptic', (2) 'Corporate Ventriloquism', (3) the 'Technical Shell Game', (4) the 'Hypocrite's Trap' and (5) the 'Energy Utopia' (3-4) and argued these global rhetorical approaches were based upon neoliberalist assumptions and created opportunities for counter positions. In an Australian study on the Adani mine, Benedetta Brevini and Terry Woronov (2017) concluded political discourse used in the debate drew upon the cultural connection Australia has with coal mining, used oxymorons to 'disarm opponents' and disseminated falsehoods (159). Wendy Bacon and Chris Nash (2012) also found the coal industry was largely invisible in Australian media coverage of climate change. These studies provide some insight into the influence of the coal industry on PEL news representation, particularly regarding the types of discourses and the influence of sources.

More broadly there is extensive research on the mining industry from a social sciences perspective, with Australia providing the most empirical knowledge (Karakaya and Nuur 2018). Research in Australia on the mining sector tends to focus on industry responses to conflict and how to gain community acceptance of mining activities. Concepts include 'social licence to operate', social impacts, social knowledge, corporate social responsibility, sustainable development and sustainability, local community-company conflict processes and citizen attitudes to mining (see for example, Hall et al 2015; Lockie et al 2009; Moffat and Zhang 2014; Onn and Woodley 2014; Owen and Kemp 2013; Parsons et al 2014; Zhang et al 2015). Research on the conflict between mining and industries who compete for the same resources and landscapes, such as agriculture and tourism, was found as well as activist campaigns against mining and associated community impacts (see for example, Connor et al

2009; Colvin et al 2015; Evans 2010; Evans and Phelan 2016; Greer et al 2011; Hintjens 2000; McKenzie 2009; McLennan et al 2017). International scholarship on conflict over mining includes research from Latin America, South East Asia, Africa, European Union and the United Kingdom (see for example, Bebbington et al 2008; Camba 2016; Černoch et al 2019; Conde and Kallis 2012; Fünfgeld 2016; Muradian et al 2003; Urkidi and Walter 2011; Usher 2013). These studies provide insight into environmental conflict and the mining sector, but news media are often an input to research rather than the focus of the study. As a result, direct application to understand PEL representation in news media and mediatised environmental conflict is limited.

2.3.6 The news sphere and environmental reporting

As highlighted in Section 2.3.1., the definition of mediatised environmental conflict is based upon the interaction of spheres of action (Hutchins and Lester 2015). News media and journalism is one of these spheres influencing environmental debate. This section deepens this understanding by examining how journalism conventions, news room practices and media ownership influence reporting on environmental conflict.

2.3.6.1 *Journalism and news room practices*

Most environmental communication scholars agree traditional news media struggle to effectively report on environmental issues (Anderson 2014; Cox 2010; Hansen 2011; Hansen and Cox 2015; Lester 2010; Murphy P 2017). Traditional media includes television, print and radio communication forms. As already discussed in Section 2.3.4., traditional news media competes with other internet information sources, such as blogs and social media. Traditional news media have moved to digital forms and content permeates other media forms such as sharing on social media. In this changed environment, traditional news media remains important and is more trusted as a news source in Australia than social media or other new types of media (Roy Morgan 2018). Traditional news rooms perform a ‘gate-

keeping' role when they determine what is news (Shoemaker and Vos 2009:1). This process occurs amidst the pressures of short-term news cycles, limited space and desire for simple stories and angles (Anderson 2015; Cottle 2013). News values determine what stories are newsworthy, including whether the story is timely or controversial (Harcup and O'Neill 2017). There is a tendency to favour local stories, rather than ones from afar, and stories are often event-based and visually driven. News across a range of topics, including environment, compete for limited news space.

The journalistic practices and news room norms used in traditional news reporting are problematic for environmental reporting (see for example, Boykoff 2008). Scholars have highlighted how news values, influence what and how environmental issues are covered (Anderson 2015; Cottle 2013). Production processes struggle to cater for environmental issues which tend to be long-term, complex and scientific or technical in nature (Anderson 2015; Cottle 2013). Experts do not always agree on the problem or the solution and there is often a high degree of uncertainty. This makes environmental stories difficult to simply articulate and often leads media to favour story angles emphasising conflict and controversy news values (Anderson 2015). It can also extend to media silence, or lack of reporting (Anderson 2014; Cox 2010; Hutchins and Lester 2015; McCurdy 2012). Consequently, as Cottle (2013) described, 'dramatic environmental events such as environmental disasters are likely to find news coverage but not longer-term processes of incremental environmental deterioration or invisible hazards' (3).

Longitudinal studies of environmental news coverage highlight the influence journalistic conventions and attention cycles have on public understanding and attentiveness to environmental issues. According to Anders Hansen's (2015) reflection on longitudinal studies of environmental coverage, environmental issues are 'firmly established in the public sphere' but subject to attention peaks and troughs (216). A fifteen-year study of climate

change media coverage in India, Germany and Australia found domestic politics, non-government organisation agenda building activities and international summit events drove media attention cycles (Schafer et al 2014). Monika Djerf-Pierre (2011) observed an inverse relationship between international conflict and economic growth on environmental coverage cycles. Of significance in climate change politics and public opinion, Maxwell Boykoff's (2008) analysis of US climate change reporting from 1994-2004 found the journalistic convention of balance influenced the representation of climate change in news media, 'perpetrated an informational bias by significantly diverging from the consensus view in climate science' and therefore influenced public debate on the issue (1).

The term 'agenda setting' is used to theoretically understand how news media influence what the public thinks about (McCombs and Shaw 1972; McCombs 2005). Drawing upon Maxwell McCombs and Donald Shaw's (1972) study on the agenda setting function of mass media, Robert Cox (2010) defined agenda setting as:

an alleged effect of media on the public's perception of the salience or importance of issues, whereby news reporting, although it may not be successful in telling people what to *think*, is successful in telling them what to think *about* (Cox 2010:180, emphasis in original).

Agenda setting involves the interaction of the media agenda, public agenda and the policy agenda, with personal experience, interpersonal relationships and indicators of importance impacting outcomes (Anderson 2014). Scholars have developed a number of models in attempt to understand this phenomenon, including Hilgartner and Bosk's public arenas model (1988) and Down's (1972) issue-attention-cycle framework.

Despite some research showing agenda setting influences public discourse related to environmental issues, there is not consensus across the field (Anderson 2014; Cottle 2013; Cox 2010; Trumbo and Kim 2015). Debate exists concerning the role of digital and social media and how this impacts the role of agenda setting for traditional (or mainstream) media.

Anderson (2014) argued mainstream media may be less influential in agenda setting due to 'new media', particularly in relation to platform crossover such as sourcing stories and information sharing. Cottle (2013) argued it is important to understand the 'dynamic fusions and interplays *between*' the different media forms and consider how the whole media environment sets the agenda (Cottle 2013:20, emphasis in original). This creates a complex media landscape in which to study mediatized environmental conflict.

2.3.6.2 *News framing and the environment*

The choices journalists and editors make concerning language, visuals, evidence and sources influence how audiences interpret an issue and shape public opinion on environmental issues. In media and communications theory, this is called 'framing' (Entman 1993; Hansen and Machin 2013a; Kitzinger 2009). Media and communications scholar Robert Entman (1993) stated:

To frame is to select some aspects of a perceived reality and make them more salient in communicating a text, in such a way to promote a particular a problem definition, causal relationship, moral evaluation, and/or treatment recommendation for the item described. (52, emphasis in original)

Framing is like a window in which a news story chooses to inform the audience. The effect of media framing is well studied in the environmental communication and social movement fields and there is a general consensus news report framing influences public perception of the issue, particularly in respect to climate change and energy (see for example, Benford and Snow 2000; Delshad and Raymond 2013; Gamson and Modigliani 1989; Nisbet 2010; Rebich-Hespanha et al 2014; Schuldt and Roh 2014).

In contested environmental debates, framing by conflict actors can lead to 'intractable environmental conflict' where there appears to be no compromise or resolution to problems (Lewicki et al 2003). Roy Lewicki et al (2003) argued frames are 'lenses' into conflict which justify their views and actions. They found actor frames were often based upon 'rights' and

‘identity’ but also warned that this framing can escalate intractable conflict and often lead to legal action (16). Lewicki et al (2003) observed frames remaining ‘remarkably stable’ over time but also saw how they interacted with each other. This can lead to re-framing which may support a resolution (435). A 2019 study of Czech Republic anti-coal campaign discourse concurred with the idea frames support intractable conflict and argued discourse was influenced by ideological perspectives which ‘help[ed] to explain the long-term stalemate in coal related debates in the Czech Republic’ (Černoch et al 2019:140).

Framing of environmental conflict and issues in news media can be viewed through an environmental crime lens (see for example, Brisman and South 2014; Clifford and White 2017; White and Heckenberg 2014). Environmental crime is an example of a ‘crime of the powerful’ and sits alongside white collar, corporate and state crime (Clifford and White 2017:174). The ambiguous nature of this type of crime and society’s understanding and response to environmental harm influences how news media report on these issues. Many environmental crimes are activities generally not deemed morally wrong compared to street or violent crimes, for example fishing in a prohibited area. This is often reflected in news media reports which tend to put the term ‘illegal’ in front of these actions (Clifford and White 2017). Criminologists accept media frame environmental crime differently to other types of crime. In street and violent crimes, media play a role building societal concern over law and order problems. This sometimes creates ‘moral panics’ about the prevalence of particular crimes within a community (Cohen 1972, 2011). Certain crimes can become ‘signal crimes’ and build social meaning over time (Innes 2004). In their analysis of media and crime, Katrina Clifford and Rob White (2017) argued environmental crimes rarely become signal crimes and are generally under-reported, or ‘silent’, in the media (182). They contended the framing of large-scale environmental harm events, such as oil spills and nuclear disasters, as ‘accidental’, ‘rare’ and ‘one-off’ produces the opposite to a moral panic (Clifford and White

2017; Walters 2013). As a result, public perception of environmental crimes is not one of alarm but acceptance that environmental harm occurs in the society we live in.

News framing of environmental campaign tactics is also of interest to this research. In this area, the campaign tactic of protest is extensively studied (see for example, Anderson 2014; Cottle and Lester 2011; Gavin and Marshall 2011; Lester 2010; McCurdy 2012; Oz 2016). Scholars have argued protests are generally framed negatively through the practices and systems used by journalists and the media system (McCurdy 2012). Some scholars have referred to this effect as the 'protest paradigm' where 'marginalising story framing, reliance on official sources and information and the invocation of public opinion' leads to consistent views of protest in the news (Reul et al 2016:892). Patrick McCurdy (2012) argued news media frame protest and social movements according to 'violence, novelty, [and] spectacle' (246). Drawing directly on news values, media attention is attracted by protest size, police presence and the location of the protest (Oliver and Maney 2000). This leads to short-term media attention rather than sustained coverage of issues (Lester 2010). Journalists can also tire of the novelty and ignore protest (Lester and Hutchins 2009).

There are mixed conclusions as to whether the protest paradigm remains relevant in the current media landscape. Cottle (2008) argued early research in the area found consistent framing of protests based upon a 'dominant law and dis(order) frame' but the move to a more complex media environment allowed 'possibly more opportunities for democratic engagement and advance' (Cottle 2008:855, 866). This is supported by Robin Reul et al (2016) who found alternative media introduced less predictable protest frames. Adam Bowers (2011) argued the prevalence of transnational protest coincided with 'a shift to more positive reporting of protest events in the media' (114). These mixed results show the influence of a changing media landscape on how social movements and their tactics gained

news coverage and are relevant for consideration in context of other claim-making forms, such as PEL.

As highlighted in the framing of protest, the selection of sources influences interpretation of environmental campaign tactics and environmental issues. These choices are influenced by a journalist's ideology and ethical practices, including norms of 'balance', 'objectivity' and 'impartiality' (Hall et al 2013:60). In Stuart Hall et al's (1978, 2013) seminal study on the representation of crime, media and society, the terms 'primary definer' and 'secondary definer' were used to theorise who has power in news construction (Hall et al 2013:60). In their quest to appear objective and balanced, Hall et al argued journalists source 'authoritative' statements from 'accredited sources', leading to those who represent institutions becoming prioritised, or 'primary definers', in news (61). Andy Williams (2015) concurred in the context of environmental reporting and argued journalists often rely on prominent professionals such as scientists, industry experts and public figures in authority as sources for environmental stories. Concerned citizens and environmental movements tend to be less prominent (Cox 2010).

There is debate whether scientists are considered primary definers for environmental stories, especially in the context of climate change (see for example, Cullen-Knox et al 2019; Hmielowski et al 2014; Jaspal et al 2016; Schafer et al 2014; Sharman and Howarth 2017). Mike Schafer et al (2014) found scientists were routinely used as sources to comment on climate change stories but the release of scientific reports did not generate significant news coverage. Bowers (2011) also observed both scientists and non-government organisations commenting on 'other people's stories' (Bowers 2011:126-127). According to Alison Anderson (2011), the changing use of sources in climate change reporting has influenced climate change framing over time. As climate change reporting moved from using mostly scientific sources to government, non-government organisations and celebrities, discourse

also moved away from scientific frames. The visibility of scientists and how they shape the news is important in environmental debate as science offers a window of understanding for environmental problems, an authoritative voice and contributes to public policy development.

Images of environmental issues and problems also directly contribute to the understanding of environmental discourse and support news framing, particularly as Western cultures have moved towards a more visual society through screen-based technology (Deluca et al 2011; Hansen and Machin 2013b; Krause and Bucy 2018; O'Neill 2013; Seppänen and Väliaverronen 2003; Sturken and Cartwright 2003). Studies show images are a powerful form of communication and evoke an emotional and persuasive response (see for example, Jasper and Poulsen 1995; Joffe 2008; Messaris 1997; Thomsen 2015). Within environmental communication, visuals are used extensively but are less understood from a scholarly perspective (Hansen and Machin 2008; Hansen and Machin 2013b). Photographs provide 'authentication' or 'evidence' of environmental issues and promote the natural beauty of species and places (Seppänen and Väliaverronen 2003:82). They can show evidence of environmental problems by depicting tangible impacts (Doyle 2007; Smith and Joffe 2009).

Using images to convey environmental issues can be a complicated form as not all problems are easily visualised (see for example, Doyle 2007; Peeples 2013; Seppänen and Väliaverronen 2003; Stenport and Vachula 2016). Jennifer Peeples (2013) described the difficulty visualising inconspicuous and visually dull environmental issues, such as toxins. She argued it is difficult to communicate impact without images of pollution and damage. In earlier work, she described the 'toxic sublime' where devastated environments were depicted in stunning ways (Peeples 2011). This inverts reality and makes interpretation more complex. There are also concerns about how viewers interact with environmental images. Janne Seppänen and Esa Väliaverronen (2003) argued some images, for instance landscape aerials, encouraged viewer distance and separation rather than engagement with

environmental problems. This is supported by Saffron O'Neill (2013) who found 'distancing' and 'contesting' visual frames in climate change imagery in US, UK and Australian newspapers (10). There are also theories on how evocative visual frames can potentially support sustainability discourse (Thomsen 2015). Though, in a recent study on the interpretation of fracking images, Amber Krause and Erik Bucy (2018) found 'presenting evocative visual frames to people who are already decided on a controversial issue may help *reinforce* pre-existing attitudes' (341, emphasis in original). These studies show the importance of understanding visuals in environmental news reporting and their potential interpretations by audiences.

With the importance of visuals in mind, it is critical to understand where news organisations source images and how this influences environmental discourse. David Machin (2004) argued the increasing trend of image bank visuals in news leads to images representing people and places rather than depicting actual places or events. Image banks provide quick and easy access to visuals for online content, but the images reinforce stereotypes and ways of looking at issues. Machin (2004) described image bank visuals as generic, timeless and lacking excessive literal meanings (or low modality). In their study of environmental Getty Images, Machin and Hansen (2008) argued image bank environmental images supported consumerism by promoting discourses aligned with corporate branding and marketing messages and therefore influenced how an audience thinks about environmental issues and problems. In later work, they argued use of image bank visuals by media organisations lead to the use of representative and iconic images of the environment which made it difficult to determine what was real and what was represented (Hansen and Machin 2013b: 156). They concluded the visualisation of the environment is often 'romanticized', 'decontextualized' and 'aestheticized' to increase flexibility and suitability across various forms of communication (Hansen and Machin 2013b: 157, 158). These characteristics limit the

persuasive power of images during environmental debates and move environmental concerns to a commercialised space. In the context of my research, PEL compounds these issues as courts generally do not allow cameras in the court room and court cases may lack the drama and movement of highly visible campaign tactics, such as protest (see for example, Federal Court of Australia 2019b). These barriers change the dynamics between environmental conflict actors as they attempt to influence news media image use. This is further discussed in Sections 2.3.7 and 2.3.8 in terms of public relations strategies and activist tactics.

2.3.6.3 The media landscape and news organisations

Another important aspect to the news sphere and environmental reporting is the media landscape and the actions of news organisations. As described in Section 2.3.4, the media landscape has undergone considerable transformation. For many, the future of news reporting and the role of journalism in the ‘age of the Internet’ is uncertain (see for example, McChesney 2016). The impact of these changes is significant in the journalism field and in Australia over 3,000 journalists have lost their jobs over the last decade (Media Entertainment and Arts Alliance 2018:4). Correspondingly, scholars have observed the number of dedicated environmental journalists in the United States significantly reduce (Friedman 2015). In response to the changing media landscape, new alternative sources of digital news, such as American digital news company BuzzFeed, are observed to provide different perspectives on news and give space to social issues (Tandoc 2018). However, until further research into these alternative sources and the impacts on traditional news outlets is carried out, the impacts of these dramatic changes to the media landscape on public discourse is uncertain.

Environmental journalism is also a dangerous career in some parts of the world (Lester 2017). Environmental conflict can be heated and violent within communities, particularly if resources and profits are at stake. Journalists can be targeted, even murdered, for doing their

job. Australia is not immune to this type of pressure and in the lead up to the 2013 peace agreement over logging in Tasmanian forests, a reporter for a local newspaper experienced abuse, both physically and online, in response to reporting on the conflict (Beresford 2015). Intimidation and threats may result in journalists not reporting or re-framing environmental issues and hence influencing if or how environmental stories are told.

Media organisation ownership and the political, cultural and economic landscape journalists operate within also influences news coverage of environmental issues (Anderson 2015). On a global scale, Patrick Murphy (2017) argued global media has communicated market based and consumerist environmental discourses which reinforces an 'ecological ambivalence' and supports a lack of action to redress significant environmental issues (146). Cottle (2013) argued media corporatisation and the need to generate advertising revenue through sales and increased readership and ratings is a central influence in environmental reporting. These are not only global concerns but are also relevant at the local level. For example, in South Africa pressure was applied to a news outlet when a proponent of a new incinerator threatened 'community newspapers with withdrawing corporate advertising sponsorship if certain stories were printed' (Leonard 2014:978). This demonstrates the simple power of financial threat in manipulating what stories are told.

Within Australia, media ownership is particularly important to understand selective environmental coverage. Until December 2018, News Limited (branded as News Corp) and Fairfax Media owned more than 90% of daily metropolitan newspapers (Tiffen 2010:85). After this time Fairfax Media and Nine Entertainment Group merged to create Australia's largest media company (McDuling 2018). News Corp has also grown to own a significant number of Australian regional news outlets, making their influence both national and local (Burrowes 2016). Ownership concentration allows a few companies to set agendas across Australia and make political difference. For example, scholars have argued News Corp has

helped influence election campaigns and climate change coverage (see for example, Hobbs and McKnight 2014; Manne 2011). In regional areas where local media outlets play an important role in local communities, News Corp can be the only newspaper outlet and hence significantly influence what news local audiences engage in (Bowd 2015; Richards et al 2011). This may determine whether environmental conflict news stories are told in locally impacted communities, how they are told and who tells them.

2.3.7 Public relations and the industry and government spheres

Mediatized environmental conflict is also influenced by government and industry spheres (Hutchins and Lester 2015). These spheres are an important aspect of the relationship between environmental campaigns, PEL and media and communications as these actors are often the proponent of a development or the approval body and hence a party to legal action initiated to stop the activity. This section explores these spheres through the lens of strategic communications and public relations theory.

As the media industry has transformed, including the reduction in journalists, there has been a significant rise in the public relations industry (Forde and Johnston 2013; Johnston 2016). Johanna Fawkes defines public relations as ‘about reputation – the result of what you do, what you say, and what others say about you’ (2013:5). Implicit in this definition is how an organisation communicates and engages with its publics, including in response to crisis events and the management of risks. Media are an important public for organisations such as corporations, governments and government departments. These organisations have reputations to uphold in order to achieve their business strategies and government policies. Media relations is a key tactic in public relations and involves liaising with journalists, publishing media releases, holding press conferences and events and conducting interviews (Fawkes 2013:8). Public relations professionals understand journalistic conventions and integrate these within communication strategies. For instance, disseminating consistent key

messages, emphasising news values, framing positively and media interview training (Dodd 2012; Hallahan 2009; James 2011).

A commonly held societal belief is that journalists are influenced by public relations material. In his study, Bowers (2011) suggested 'time, resource and editorial pressures on journalists make them more susceptible to political communication methods and reliant on PR material' (Bowers 2011:127). A 2010 study of Australian newspapers showed 55% of articles analysed were generated by some form of public relations material (Crikey 2010). In a study of Israeli news outlets, Zvi Reich (2010) concluded the relationship between public relations professionals and journalists is more than just the provision of information and includes relationships between the two spheres. He found that even though journalists 'rarely allow practitioners to serve as single sources for their items, they often let them serve as dominant sources' (799).

The relationship between news agencies (or news wires) and public relations is also of interest, particularly in Australia where media organisations part own *Australian Associated Press*, the main Australian news wire agency (Forde and Johnston 2013). Susan Forde and Jane Johnston concluded in their Australian study of the relationship between news agencies, public relations and online journalism, that news agencies 'can become the de facto distributor of public relations material' (2013:113). Their research showed 63% of *Australian Associated Press* articles were generated from media relations material (Forde and Johnston 2013:121). Other UK studies support this conclusion showing how news agencies and public relations material shape news content (see for example, Lewis et al 2008a, 2008b). In considering the rise of environmental public relations and the impact on environmental journalism, Williams (2015) concluded there was a 'shift in power from journalists to their news sources' and raised the concern that outsourcing of news translation reduces the

‘prospect of high quality, independent environmental journalism in the mainstream news media’ (Williams 2015:203).

Even with this shift of power to news sources, public relations practices can lead to business and reputational impacts for governments and industry. Public relations is also referred to as ‘spin’ where information is communicated using ‘favourable bias’ (Andrews 2006:32). In this context, industry and governments can be labelled propagandists and criticised for acting against public interest (Burton 2008; Johnston 2016). Corporate social responsibility practices have particularly come under scrutiny, including the act of ‘greenwashing’ and cause-related marketing (Brønn and Vrioni 2001; L’etang 1994). In this context, public relations gives agency to opposing interests and with this comes inevitable power struggles (Johnston 2016). These power struggles can be observed through mediatized environmental conflict and how actors respond to industry and government claims.

2.3.8 The activist sphere and gaining visibility

In response to practices of other spheres, activists use communication strategies to gain visibility in mediatized environmental conflict (Hutchins and Lester 2015). These actions are critical to understand the relationship between environmental campaigns, PEL media and communications as activists are litigants in legal cases and use PEL as a stage for claim making. For legal action to be successful, the public needs to understand and support both the case and the cause. This section explores the activist sphere, its relationship to the news sphere and the use of the internet as a communication tool.

2.3.8.1 *Activist communication strategies*

Social movements use news media, alongside other media forms, to gain public support, lever political influence and gain campaign legitimacy, credibility and profile (Cammaerts 2012; Lester and Hutchins 2009; Park 2013; Rose 2012). A fundamental tactic underlying these

communication and media strategies is the understanding of newsworthiness (see for example, Coward 2010). Bart Cammaerts (2012) argued activists are ‘more aware and conscious of the mediation opportunity structure, through their lay-knowledge of how mainstream media and technologies operate, partially adapting to them or appropriating them’ (117). Strategies identified in research include tapping into global events and using metaphors and figures of speech; symbolism; narratives; scientific evidence; visuals and image events; drama and spectacle; and celebrity endorsements and voices (Anderson 2014, 2015; Cox and Schwarze 2015; Delicath and Deluca 2003; Hansen and Cox 2015; Lester 2010). Framing of claims is also crucial to ensure ‘resonance’ with the intended target (Benford and Snow 2000:619). Communication tactics used by activists are often similar to the public relations techniques and ‘pre-packaged materials’ used by government and industry (Anderson 1997:35). Using these techniques supports media attention and press releases from non-government organisations penetrate media and contribute to agenda building (see for example, Van Leuven and Joye 2014).

In light of these strategies, scholars have observed increased professionalism and communication sophistication from major non-government organisations as they become more institutionalised and brand competitive (Moon 2018; Powers 2015, 2016). This changes the relationship between these groups and news media. Ruth Moon (2018) argued non-government organisations work strategically with news media organisations when they draw upon news values but also use ‘bargaining and compliance practices’ to achieve organisational goals unaligned to newsworthiness (1). In some cases, communication staff in these organisations ‘rival the resources found in major news organizations’ and acted as ‘boots on the ground’ to uncover local content (Powers 2016:401). Non-government organisations and journalists were observed to work together and create ‘networks of co-production’ such as in the case of international climate change meetings (Lück et al 2016).

Groups published their own reports, provided ‘expert’ feedback to media on the release of government reports or statistics, worked to become primary sources and information providers and reported as ‘citizen journalists’ (Allan and Ewart 2015; Bowers 2011; Mercado et al 2014; Oz 2016). This can lead to campaigners becoming trusted sources and not needing protest to gain media visibility (see for example, Mercado et al 2014).

Drama and symbolism are an important aspect of communication and are used by activists to gain media visibility, including the use of images in campaigns to help visualise environmental problems and evoke emotion (see for example, Doerr et al 2013; Doyle 2007; Schwarz 2013). Symbols are infused in communication by activists to help transcend key messages across language and cultural barriers and potentially widen audiences beyond the local. For example, media coverage moved from local to national outlets as the story of Abbot Point dredge material dumping into the Great Barrier Reef transformed from a local story about wetlands to a national debate over the impacts of the expanding coal industry on the Reef (Lankester et al 2015). Lester (2016b) argued environmental campaigners in this circumstance attempted to widen the national audience to a transnational public via the symbolic international status of the Great Barrier Reef.

Drama and symbolism is extended by staging ‘image events’ to gain media attention, such as protests and stunts (Delicath and Deluca 2003:317). This includes simultaneous mass protest actions across countries and the use of performance and theatre to generate transnational protest cooperation (Cottle and Lester 2011; O’Neill 2004). For example, as a part of 2007 protests against old growth logging in Tasmania, Australia, actor Allana Beltran performed as the Weld Angel (van Vuuren and Lester 2008). She used the symbolic angel to transform the concept of violent and angry protest to one of vulnerability and spirituality and, in doing so, challenged traditional news framing of protests (as discussed in context of the news sphere in Section 2.3.6.). Drama and spectacle were also used by Indian activists to maintain public

attention over decades on the world's worst industrial disaster, the 1984 gas leak in Bhopal (Sharma 2014). 'Bodies of protest' such as hunger strikes, sit-ins and journeys on foot were used to attract media attention (Sharma 2014:127). Katarina Crouch and David Damjanov (2011) argued marine conservation organisation Sea Shepherd, a media savvy and sophisticated user of symbolic images for media consumption, captured the imagination of the public through the combination of popular culture ('eco-piracy'), environmentalism and technology (196).

Narratives and storytelling are also a 'deliberate' activist strategy to gain media attention and connect with membership, similar organisations and grassroots members (Vromen and Coleman 2013:96). Research shows using 'place-based' narratives has a positive effect on civic engagement (Schweizer et al 2013). Changes in narrative over time help to maintain support which is particularly important for long term campaigns. For example, in response to the Bhopal disaster activists continually re-framed both the story and victims to keep the story fresh over time (Sharma 2014:126). Scholars have also observed how environmental groups are moving away from iconic environmental landscapes towards people orientated visuals in efforts to connect with audiences through people's stories and their journeys fighting for better environmental outcomes (Wilson 2017). On the flip side, Matt McDonald (2016) linked ineffective storytelling to the failure to engage the Australian public on climate change and concluded poor narratives contributed to unsuccessful communication.

Beyond the story and how it is told, environmental activists understand the newsworthiness of prominent people and celebrities and tap into the symbolic leverage of *who* tells the story (Anderson 2011; Brockington 2013). Crouch and Damjanov (2011) argued Sea Shepherd's Mr Paul Watson generated his own 'eco-pirate' celebrity status, with his dramatic appearance and the use of his image in public relations material (Crouch and Damjanov 2011:191).

Anderson (2011) observed celebrities in climate change campaigns providing 'a powerful

news hook and potential mobilizing agent’, but also warned framing is crucial and ‘celebrity interventions can be a double edged sword’ (535). Celebrity activism on social media was observed to create ‘intimacy’ with followers, with significant Twitter communities following major celebrities and increasing the reach of particular causes (Ellcessor 2016; Marwick and boyd 2011; Tufekci 2013).

The breadth and depth of communication strategies required for activists to gain and maintain media coverage is a significant resource challenge for individuals and groups. A. Trevor Thrall et al (2014) were openly pessimistic about the ability of activists to communicate effectively and argued only non-government organisations with strong reputations and significant resources have the ability to create stories able to compete with other sources. Limited carrying capacity for social issues limits media coverage and the dominance of particular non-government organisations out competes smaller organisations (Thrall et al 2014).

2.3.8.2 The internet as an activist platform

Using the internet as an environmental activist platform helps to overcome the significant barrier created by competing against other sources in news media. For activists with limited access to resources, the low cost of digital communication and removal of geographical barriers provides opportunities to establish global campaign presence, grow and broaden campaign reach and change organisational or network growth patterns (Bennett and Segerberg 2011). Activists use social media platforms to bypass or appeal to mainstream media and attempt to set the news media agenda (Hunter et al 2013). Social media platform architectures provide different functionality suited to activist practices, such as short Twitter tweets and event organisation in Facebook. Viral posts and newsworthy social media conversations provide new opportunities to gain news media visibility and help to transfer campaign messages from ‘desktops to television screens’ (Bennett 2003:164). Screen-based

media forms are conducive to the persuasive use of visuals and symbols. In this context, K. Michael Deluca et al (2011) argued 'broadcasting amplifies voices, enabling one person or small groups to broadcast to many via public screens' (Deluca et al 2011:149). This gives power to activists to communicate powerful messages to many.

Digital technology enables 'information activism' where information can be shared in spaces such as controlled media or disinterested media environments (Halupka 2016:1). Information activism was observed in the Turkish Gezi protests when 'protesters shared links to foreign newspaper articles and to citizen journalists of photos and news on their social media accounts to show what was happening in Turkey' when there was no domestic news coverage (Oz 2016:182). Max Halupka (2016) argued information activism arises from the dualism of 'collective action' and 'connective action' and that it is a new form of political participation (Halupka 2016:1487).

Digital technology provides a platform to mobilise, and significantly extends the potential reach for protest action. By looking at the '2009 Twitter Revolution', Alexandra Segerberg and W. Lance Bennett (2011) argued social media technologies 'infuse specific protest ecologies' by acting as 'organising mechanisms' and 'that traces of these media may reflect larger organizational schemes' (197). Behind the public protest exists 'interrelationships between actors, practices and technologies that constitute a system characterized by diversity, in which members of radical tech groups act as keystone species' (Treré 2012:2359). Over more recent years a number of significant protest actions, such as the Arab Spring and the Occupy movement protests, have been linked with the power of social media (such as Agarwal et al 2014; Penney and Dadas 2014; Theocharis et al 2015). Scholars observed Twitter playing a crowd coordination role in the Occupy protests (Agarwal et al 2014:646), with the use of retweets considered just as meaningful in the conversations as original tweets and helping to expand the boundaries of communication (Penney and Dadas 2014:74). More

recent scholarship in this area addresses the response to activist social media use by those in authority. Julie Uldam (2016) applied Thompson's mediated visibility concept to the activities of corporations in the surveillance of activists and the subsequent silencing of dissent in social media. She highlighted the vulnerability of both activists and corporates in the social media environment and, in doing so, extended Thompson's (2005) discussion on the vulnerability of political elites to those traditionally not in positions of power (Uldam 2016). Scholars have been interested in how those in authority, such as police, use social media for quick and visible communication. For example, Christina Neumayer et al (2016) argued police use of social media changes the relationship between police and activists, increasing the complexity and tensions, as well as impacting how activists use social media (5575). These studies demonstrate the rapid changes and influence of social media and provide fertile ground for conceptualising conflict actor interplay and how social media may influence environmental news.

Even with communication and mobilisation opportunities, scholars have questioned the role of technology and digital media in public discourse and social change and whether the internet can promote a democratic society and challenge power and authority (such as Cammaerts and Van Audenhove 2005; Chaves 2010; Garrett 2006; Hendriks et al 2016; Karph 2010; Rauchfleisch and Kovic 2016; Thrall et al 2014; West 2013). Both Elisabeth Chaves (2010) and Mark West (2013) have viewed the internet as a digital space - pervaded by commercial interests and often an extension of authority. Thrall et al (2014) took a different perspective and argued the use of '(t)echnology will not transform NGO communication ability because it can never resolve the central problem of global communication: the zero-sum nature of attention' (Thrall et al 2014:148-9). More communication using different platforms does not mean people will pay any more attention to the issues. Thrall et al (2014) concluded the focus on successful campaigns, rather than the

unsuccessful, has skewed research and believe future research should focus on how new technology facilitates the distribution of attention rather than the technology itself. There are concerns about the contradictions found in research regarding technology use and social movements as well as the lack of research into the negative impacts (Garrett 2006). The minimal effort required by individuals to support a cause has raised concerns about the impacts on activism and the robustness of the public sphere, including the concept of 'slacktivism' and 'clicktivism' (Karfp 2010:9). Questions remain as to the reality of these issues.

Use of digital technology to communicate has been observed in a number of environmental campaigns across the world (see for example, Davidsen 2011; Hutchins and Lester 2011; Sima 2011). In the Tasmanian anti-forestry campaign, environmental groups with limited resources used low cost and easily accessible digital technology, such as websites, social media and blogs, to 'shine a spotlight' on activities for an intense period and 'provoke a political response and public reaction' (Hutchins and Lester 2011:161). In this case, activists leap-frogged local media, gained national and international media attention and applied greater political pressure for change. There are also fears social media may reduce communication effectiveness due to its highly fragmented nature and individualised content (Anderson 2014). On social media, audiences make their own information choices and hence may only engage with certain organisations or groups who represent their values and/or communicate on topics of interest. This may limit who is partaking in conversation at particular times. This was demonstrated in a study of a Facebook anti-coal seam gas campaign in Australia which observed limitations in the 'capacity to transform polarized debates and bridge opposing viewpoints on divisive environmental issues' (Hendriks et al 2016:20). Facebook sites were 'tightly scripted', with opposing views made to feel unwelcome, even 'cast out, censored, or excluded', leading to 'horizontal forms of

communication’ (Hendriks et al 2016:20). This led to communication within like-minded groups rather than between groups of difference and/or influence. In politics, scholars call this communication environment an ‘echo chamber’, a metaphorical description of ‘a situation when only certain ideas , information and beliefs are shared’ (Dubois and Blank 2018:729). The development of echo chambers and the influence on politics has been of particular interest to scholars, including the contribution of social media platform algorithms (for example, Bakir and McStay 2018; Guo et al 2018).

The dichotomy between activists struggling to gain visibility in news media yet actively communicating on the internet, highlights the communication complexity faced by actors in mediatized environmental conflict. Environmental campaigns desire political and public support and must communicate beyond the ‘horizontal’. To gain news media attention activists are often forced to go to extraordinary lengths and can be negatively framed. PEL is also a form of claim-making in an environmental campaign but occurs in the legal sphere. This leads to the question as to whether the legal sphere helps or hinders activist communication and their cause.

2.3.9 The legal sphere and controlled communication

The final sphere of action to be explored in context of mediatized environmental conflict is the legal sphere. This sphere is key to PEL though not explicitly identified in the definition of mediatized environmental conflict (see Section 2.3.1.). However, the definition can be extended by understanding the relationship between the legal system and news media and defining courts as ‘formal decision-making bodies’ and legal actors as conflict actors (Hutchins and Lester 2015:339). This section explores this extension and builds upon the relationship between social movements and the law as described in Section 2.2.

2.3.9.1 Discourse implications

Extending mediatized environmental conflict to the legal sphere requires an understanding of legal discourse. The legal system has a particular language and customs which may be viewed as formal, traditional and complex (Goodrich 1997). Peter Goodrich, legal discourse scholar, argued legal discourse ‘is a ‘language of power’ that should be viewed as a ‘pursuit over the control of meaning, and as an instrument and expression of domination’ (1987:ix). He observed ‘it is already a privilege to read the law, and the very idea of the objectivity and specialisation of legal language functions consciously or unconsciously to exclude participation in the legal process’ (Goodrich 1987:81). As with environmental discourse, legal discourse is ‘political’ in it attempts to ‘control its users and reception’ (Goodrich 1987:186).

French philosopher Michael Foucault (1971) argued discourses can build boundaries between groups, suggesting these boundaries contribute to symbolic power. This may create barriers between those who are educated in the law and those who are not. Discourse barriers potentially exist between social movements and the legal system. As already discussed in Section 2.2.3, legal processes such as merit and judicial reviews influence how environmental issues are argued in court. Social movements may also be constrained by legal norms outside the court so as not to cause contempt of *sub judice*. In the context of Indian social movements using the law, Balakrishnan Rajagopal (2005) highlighted the importance of respecting courts during legal action and stated social movements ‘run into problems when they attempt to “speak” publicly on issues that are considered subjudice’ (188). In these circumstances, silence may be required to not compromise the case and avoid introducing new evidence via media that has not been provided to the court. Even after a legal judgement, tensions may still exist as courts may get frustrated by social movements using media as a platform for escalating campaign action. Rather than a legal judgement signalling

campaign finality, social movements may view the decision as the beginning of other campaign tactics. Ideally for an environmental campaign, news media continues to fuel public debate post a legal judgement, no matter the verdict.

Legal discourse barriers extend to news media, with both the language of journalism and the law based upon professions. According to Jane Johnston and Rhonda Breit (2010) court reporting is ‘an example of the disjuncture between the formal language of the courts and the populist language of journalism’ (51). They warn that in the process of translation from legal discourse to news the public may become ‘confused’ (51). Importantly to note in the context of my research, is that existing discourse barriers between the law and journalism are less likely to occur between journalism and activism. Activism’s populist and local communicative style is more akin to the journalistic approach and, as discussed in Section 2.3.8., is used to gain media attention. Activist and journalistic discourses may be more complimentary in the struggle for environmental meaning compared to legal discourse and hence alter the power dynamics of mediatized environmental conflict during PEL.

2.3.9.2 The courts and news media

The relationship between the courts and media is well researched, particularly in context of the US Supreme Court (see for example, Clawson et al 2003; Davis 1994, 2014; Gibson et al 2014; Hoekstra 2003; Slotnick and Segal 1998; Solberg and Waltenburg 2014; Stoutenborough et al 2006). There is also significant understanding of the relationship between courts and media in Australia (see for example, Johnston 1999, 2002, 2005, 2008, 2018; Johnston and Breit 2010; Keyzer et al 2012; Meadows 2000; Wakefield et al 2005). A theme throughout this research is the complicated relationship between the two professions and finding the balance between ‘open justice’ and due administration of the law and protection of privacy. Open justice, first theorised by James Bentham in 1843, is the idea that justice is not only conducted but also seen to be conducted (Johnston 2018; Spigelman 2006).

News media play a role in the provision of ‘open justice’ and public interest reporting, but tensions arise with judiciary when news production practices risk the independence and rigour of the legal process. According to Johnston (2018), this leads to a ‘curious mix of tension and co-operation’ (Johnston 2018:529). Other scholars describe the relationship between news media and the judiciary as a ‘dance’ (Davis and Strickler 2000; Johnston 2002). As noted earlier, this is a similar approach to how scholars describe the relationship between media and activists. However, the balance of power in the relationship between courts and media is reversed. In context of the US Supreme Court, Richard Davis and Vincent Strickler (2000) wrote: ‘The Supreme Court justices lead the press in an invisible dance, restraining it with one hand while directing it with the other’ (90). Unlike the relationship between environmental groups and the media, the judiciary has the power rather than the media (Davis and Strickler 2000; Johnston 2002).

Power is held by courts due to their controlled communicative style and respect with the public. In Davis’ (1994) study of the US Supreme Court, *Decisions and Images: The Supreme Court and the Press*, he argued the controlled communicative style of the US Supreme Court, combined with its symbolic buildings and practices, not only supports the judicial process but reinforces the independence of the Court and public deference towards the Court. Controlled communication by the Court is ‘imagemaking’ conducted on the Court’s terms to maintain public support and reference for its decisions (3). The Court used communication, or lack of it, to create an ‘image of distance’, ‘immunity’ and ‘unanimity’ (Davis 1994:3-5). This supports the Court’s role in democracy but creates tensions for news media, including lack of access and legal understanding. Even though Davis’ study was in 1994, his edited work in 2014, *Covering the United States Supreme Court in the Digital Age*, still highlighted the US Supreme Court’s ‘imagemaking’, tensions with journalists and the

importance of public opinion about the Court. The evolving public sphere and the introduction of digital and social media just makes this ‘dance’ more complicated.

2.3.9.3 *Courts and communicative practices*

Over the last few decades the evolving media landscape has significantly changed the way courts communicate to the public (Johnston 2018). Courts have websites with electronic access to court documents, press releases and educational material. They have social media accounts, public liaison/relations officers and allow television broadcasts in certain circumstances. Only recently some courts, including in Australia, have allowed journalists to post on social media during court sessions (Wallace and Johnston 2015; Johnston 2018). This increases the risk of breaching publication orders, but at the same time shows courts are supporting open justice and accepting the inevitable influence of current communication practices.

With respect to case decisions, courts generally do not proactively engage with news media in a fashion similar to other institutions. They do not issue press releases, hold press conferences or conduct interviews about case decisions. Instead the primary form of communication is a written legal judgement supported by a judgement summary. These are framed for a court-based audience (the legal parties and legal profession) and written in legal language (Johnston and Breit 2010). This leaves translation and framing of court decisions to others, including news media (Clawson et al 2003; Davis 1994, 2014; Johnston and Breit 2010). Drawing again on Foucault’s (1971) idea of discourse and boundaries, written legal documents, court proceedings and transcripts potentially create a barrier in this process.

Courts attempt to control communication to uphold due process and avoid contempt of *sub judice*. Journalists can sit in court to witness court activity, but at the same time there may be suppression orders to reduce the risk of publicity influencing a jury outcome (Greene and

O’Leary 2012; Holland 2012). Restricted communication challenges the idea of open justice, freedom of communication and the public right to know, but also reduces the risk of media influencing a fair trial. Technological advances and the speed of communication across borders make suppression orders increasingly difficult to apply. Information about a case can be legally published on websites in other jurisdictions and accessed anywhere in the world, including where the suppression order stands. Kate Holland (2012) argued these challenges now shift the focus from whether jurors can be influenced by publicity to how the impact of publicity can be managed effectively (86).

The controlled nature of court communications and the use of social and digital media leads scholars to ask: ‘Who should speak for the courts and how?’ (Keyzer 2012:5). Traditionally scholars believed this role was primarily the news media, or ‘mass media’ (see for example, Davis 1994; Slotnick and Segal 1998). With the introduction of digital and social media, scholars argue anyone can now speak for the courts (Keyzer 2012; Johnston 2018). This creates problems in itself, such as accuracy, and courts have responded by introducing systems favouring professional journalists (Johnston 2018). This shows courts value the role journalists play in translating legal outcomes in the evolving public sphere.

2.3.9.4 News court case coverage and representation

From a journalistic perspective, controlled communication from the courts limits the ability to write stories quickly and accurately (Davis 1994, 2014). Lengthy legal documentation must be interpreted rapidly by journalists, who may or may not have legal training.

Journalists do not get access to judges to further understand legal decisions and often have limited sources, time and resources in which to translate the ruling into news. As with the overall reduction in journalism resources, there are reports of reduced specialist court reporters and the impacts on justice reporting (see for example, Greenslade 2016).

Journalists are less likely to attend court sessions and be able to give time to understand

judgements. Lack of legal training combined with pressure for immediacy and brevity can lead to inaccurate reporting and conflict (Davis 2014; Keyser 2012).

Within the news room, not all legal cases meet the newsworthy test (Sill et al 2013). Studies of the US Supreme Court have shown news coverage as spasmodic and unreflective of the court docket (see for example, Collins and Cooper 2012; Johnson 2014; Spill and Oxley 2003; Solberg and Waltenburg 2014). Case salience, legal parties (prominence and behaviour), involvement of interest groups and location all influenced whether a case was newsworthy (see for example, Davis 1994; Hoekstra 2003; La Rowe and Hoekstra 2014; Sill et al 2013; Solberg and Waltenburg 2014; Slotnick and Segal 1998; Vining and Wilhelm 2010). In Richard Vining and Teena Wilhelm's (2010) study on what makes a high-profile US State Supreme Court case in the news, cases most likely gained media attention 'after decisions that address controversial issues or invalidate laws made by the legislative or executive branches' (721). They argued this encouraged the public to view the court through a political lens rather than a legal one. Rory Solberg and Eric Waltenburg (2014) described cases which garnered significant coverage as 'news pegs' and observed their existence was due to salience rather than legal significance (83).

News coverage and framing of cases is influenced by the news medium and the type of journalist covering the story (see for example, Clawson et al 2003; Spill and Oxley 2003). Rorie Spill and Zoe Oxley (2003) found newspapers were more likely to cover cases than television and observed television and generalist reporters were more likely to report on salient issues, such as civil rights (28). They argued the use of generalist reporters and the brevity of news time (or space) led to framing stories like a 'sporting event' (Spill and Oxley 2003:29). This included 'Who won and who lost? Who is more disadvantaged or aided by the outcome? What will happen next?' (Spill and Oxley 2003:29). Spill and Oxley concluded that when court reporters told the story there was a greater likelihood the broader

legal context and the decision's legal implications were included. Differences between local and national news coverage of court cases was also observed. According to Valerie Hoekstra's (2003) study of local news coverage of the US Supreme Court and the influence on public opinion, local news outlets reported on US Supreme Court cases relevant to their area more accurately, extensively and more often than national news outlets. She accounted for this variance through differences in local and national audiences and the understanding of local community issues by local journalists.

Interested parties play a significant role in the way news media represents legal cases (Jamieson 1998; Johnson 2014; Slotnick and Segal 1998; Vining and Wilhelm 2010).

Interested parties may have been involved in the case as 'friends of the court' or *amicus curiae*. Scholars have observed these parties influence news media coverage and attention (Slotnick and Segal 1998; Vining and Wilhelm 2010). For example, Scott Slotnick and Jessica Segal (1998) concluded the involvement of interest groups in filing *amicus* briefs alerted news media to potential stories of public interest (228). Interested parties also supported news media stories by filling the space left by limited communication from the court after judgements. Tyler Johnson (2014) argued 'political perspectives seep into stories via the viewpoints of outsiders' (35). Paul Jamieson (1998) called interested parties 'surrogate press secretaries' and argued interested parties interpret decisions and make claims related to their own goals post judicial decisions (5). In this sense, when the court stops talking, interested parties start talking. This leads to news media interpreting court decisions according to the response to the decision rather than exploring the legality aspects. As a consequence, the impact of the case on society may not be reported independently.

As well as research on how cases were represented, scholarly work was found on how courts and judges were represented in news. Once again, this was influenced by research on the US Supreme Court. Scholars explored how 'apolitical' news framing of the US Supreme Court

supported the ‘myth of legality’ and the ‘cult of the robe’ where judges were viewed as legal oracles (see for example, Baird and Gangl 2006; Solberg and Waltenburg 2014). Legal practices and processes provided strong symbols for administration of justice and the physicality and imagery of the courthouse, gavel and robes worn by US Supreme Court judges was found to increase a sense of legitimacy (Gibson et al 2014). Legitimacy was also reinforced by the use of the courts own language supported by news preference for official sources (Solberg and Waltenburg (2014:3). Solberg and Waltenburg (2014) argued this sense of legitimacy for US Supreme Court judges was being eroded by US news media reporting on both political and personal perspectives, similar to how news media treat other government institutions. They called this a ‘cult of personality’ and contended it led to ‘crowd[ing] out’ of traditional coverage of judicial legitimacy (Solberg and Waltenburg 2014:110). Changes in media reporting style towards the judiciary have also been noted in Australia and Johnston (2005) argued news media became more willing to challenge the judiciary in the 1990s.

Based upon these influences, scholars have argued news reporting on court cases can be oversimplified and focus on sensationalism and scandal (Keyser 2012; Solberg and Waltenburg 2014, Haltom and McCann 2004). William Haltom and Michael McCann’s well-known US study, *Distorting the Law: Politics, Media and the Litigation Crisis* (2004) arrived at this conclusion when they questioned the influence of the media on the perception US citizens were misusing the legal system. Haltom and McCann explored the infamous *Liebeck vs McDonalds Restaurants case* where 79-year-old Stella Liebeck successfully sued McDonalds and received significant compensation. She severely burnt herself by spilling McDonalds purchased coffee on her lap in an Albuquerque McDonalds carpark in 1992. The *Liebeck vs McDonalds Restaurants case* is synonymous with the perception of a vexatious and frivolous litigation system in the United States and is a symbol for legal reform for

political elites and tort reformists. Haltom and McCann (2004) argued news values and production processes led to 'short, simple and thin' accounts of the case and editorials and commentators filled narrative gaps with 'spin and factoids' (Haltom and McCann 2004:198-199). Reports of the complex and subtle aspects of the case were generally absent and media omitted significant facts influencing the jury's decision. The lack of pre-verdict coverage left evidence and testimony 'underdeveloped', with reporters not witnessing the trial nor scrutinising trial records (Haltom and McCann 2004:198). Carefully constructed legal arguments, communicated in court by disputing parties, were reported in a fragmented and disjointed style suited to press requirements.

News media representation of the litigant, Stella Liebeck, in the *Liebeck vs McDonalds Restaurants case* was also of interest to Haltom and McCann (2004) and they concluded the selection and prioritisation of information, communicated according to the logic of news worth, transformed her from a victim into a caricature. News framing of litigants was also explored by Melanie Wakefield et al (2005) in a study of news coverage of a second-hand smoke injury claim. They described how the length of litigation contributed to litigants becoming significant news media actors and a 'human face' for advocacy (62). This was a double-edged sword, with litigants representing the cause but potentially 'cast by news media as symbols of "lawyers on the loose", with their claims trivialized and ridiculed as instances of society going soft and everyday minor insults being elevated into absurdly dramatized incidents' (62). They warned advocates must consider the benefits of personalising causes through litigants and consider the way in which news media may frame them.

2.4 Discussion

PEL is a form of claim-making in environmental campaigns. Unlike the more visible form of protest, PEL takes place within the confines of a court. Without the support of media and communications, legal arguments and evidence potentially remain in the court and discourse contained within the legal realm. With no strategy to gain media attention, activist media visibility is limited and opportunities to gain public support for the cause minimised.

Environmental campaigns legally mobilise using PEL to protect the environment, stop or delay developments and further their cause. Media and communication strategies help to gain public and political support for the case and the campaign. However, unlike the established relationship between protest, social movements and media communications, research exploring the intersection of legal mobilisation, social movements and media and communications is rare, particularly PEL. The media translation of legal discourse and social movement discourse into newsworthiness adds greater complexity which is furthered by pressure on resources and public relations influence. Findings from US studies provide some insight but should not be directly applied to other legal jurisdictions.

Even with this significant gap, a relationship clearly exists between environmental campaigns, PEL and media and communications. The legal system influences the presence of activist voices in the legal sphere, including opportunities to mobilise and the ability to gain standing. Once an activist is in court, they are constrained by how and what they can argue through judicial or merit review. The legal system creates barriers for activists by using technical and formal language and, at times, the need for silence. This is in contrast to activist's popular, visual and symbolic communicative style. The courts demonstrate a controlled communication strategy and primarily rely on news media to translate their judgements. Their power is constrained to jurisdictional borders. On the other hand,

environmental campaigns are not constrained by borders and have the power to tap into transnational communication networks, including news media.

In social movement and media and communications fields, the highly visible practice of public protest is often a research focus (for example Anderson 2014; della Porter and Tarrow 2005; Cottle and Lester 2011; Lester 2010). Little is known about how activists gain visibility during PEL and whether similar techniques are used. It is not clear whether protest drama, symbolism, visuals and the 'protest paradigm' are relevant in the representation of PEL. Likewise, we do not understand the influence of legal 'image events', or the lack of, on media attention and coverage. How, for example, do synergistic environmental campaign tactics impact media coverage, such as a public protest outside a court house hearing a PEL case? How do the activist symbols of environmental protection and legal symbols of reverence and independence collide in this space? There is uncertainty about whether the current media landscape supports thorough court reporting on PEL and whether barriers to journalists attending court and accessing information exist and influence coverage. This leads to questions about how news representation of PEL brings together ideas of legal independence based upon evidence given in court, with a news media space influenced by public relations and 'spin' (Burton 2008).

The concept of 'mediatized environmental conflict' is useful to apply to media visibility and public relations and advocacy techniques (Hutchins and Lester 2015). This concept, though currently not explicitly inclusive of the legal system, can be extended to cater for legal system dynamics and the power of legal actors influencing the communicative interplay between environmental groups, politicians, governments, industry and media. Of importance to mediatized environmental conflict is the difference in power dynamics between activists and media, and the court and media. Media is generally the more powerful in relation to activists

but not in the circumstance of courts. This changing dynamic has the potential to influence how PEL is represented in news compared to other environmental campaign tactics.

Understanding the nexus between media and environmental crime can support research, especially in regard to framing and silences (Clifford and White 2017). Differences in societal definitions of environmental harm, values and crime contributes to protest, activism and conflict. News media reporting on these events can draw upon the protest paradigm to reverse the responsibility of environmental crime. For example, in a news article on a protest against logging, who is the criminal? Is it the logger, the corporate owner, the government, or the activist breaking protest and trespass laws in order to gain attention?

The connection between social licence to operate, affected public and mediatized environmental conflict raises questions of how global flows of information influence who is legitimate in environmental debates in an interconnected society (Lester 2016a). Industry attempts to reduce social licence to operate to a defined geographical area are challenged by these flows and the communities these flows facilitate. Of interest is how media and communications support definitions of the affected public and whether this is influenced by legal constraints, such as standing. Drawing upon recent public debate in Australia on conservation group access to courts, this raises the question of whether social licence to operate is linked to standing and how media contribute to public debate on the right to object and the meaning of 'local' (Clarke 2016; Konkes 2018; McGrath 2016).

Empirical research is rare in mediatized environmental conflict across industries. Only a few studies were found which directly analyse media representation of PEL and/or the coal industry. Research was dominated by other disciplines which often used media as a data input rather than a field of study, particularly in the study of mining. This is not a unique position as notable environmental communication scholars, such as Hansen (2011), Cox

(2010) and Anderson (2014), highlighted the lack of empirical evidence detailing the processes of mediatized environmental conflict, the roles of different actors and the implications of transnational flows of media, politics and information.

The theoretical framework highlights the current literature gap on Australian-based research on mediatized environmental conflict when an environmental campaign mobilises legally. A relationship between environmental campaigns, PEL and media and communications exists, but the power dynamics and impacts this has on discourse and public understanding of environmental issues is currently unclear. As well as filling an empirical gap in knowledge, this research tests the theory of mediatized environmental conflict and empirically extends it to the legal sphere. Through media and communication research focused on communicative interplay between actors, there is opportunity to further understand how media represents PEL and the influence media and communications have on public debate on environmental issues.

3 APPROACH AND METHODS

3.1 Introduction

The research approach to understand how news media represent Public Environmental Litigation (PEL) during environmental conflict is based upon a case study design using mixed methods. The case study is PEL against the Adani Carmichael coal mine project. Mixed methods include content and frame analysis combined with critical discourse analysis, semi-structured interviews, observation, ‘follow the object’ and digital methods. This chapter outlines the approach and methods taken, including theoretical perspectives and application and a description of the case study.

3.2 Research aim and question

The aim of this research is to explore the relationship between environmental campaigns, PEL and media and communications to understand how this nexus contributes to public debate on environmental issues. The research problem is outlined in Chapter One and supported by the research question: *How do news media represent PEL during environmental conflict?* The problem and question are guided by the theory and concepts outlined in Chapter Two.

Environmental campaigns use PEL for both political and legal purposes (Dugard and Langford 2011). Compared to other campaign tactics, such as protest, taking legal action is less visible in the public and without media and communications strategies legal argument potentially remains in the legal realm. News representation of PEL needs to consider the dynamics of ‘mediatized environmental conflict’ and the potentially constraining nature of legal discourse and court communicative practices (Hutchins and Lester 2015). Based upon this understanding, this research questions whether media give attention to PEL during

environmental conflict and, if so, how is it portrayed and why. In this age of dwindling resources, do journalists have the time to sit in court to hear evidence, what sources do they rely on, and how does the collision of legal and environmental discourses with news reporting conventions influence the language and images used to describe PEL?

3.3 Research design

3.3.1 Case study

Case studies are an approach using real life events to help understand the world around us. Robert Yin (2014) defines the case study as an ‘empirical enquiry that investigates a contemporary phenomenon (the ‘case’) in depth and within the real-world context, especially when the boundaries between phenomenon and context may not be clearly evident’ (Yin 2014:16). This approach was chosen as case studies are particularly useful for answering ‘how’ questions and allow a researcher to draw together a range of methods and evidence (Yin 2014:4).

Criticisms of the case study approach include lack of discipline, bias and incorrect application of conclusions for broader generalisations (Flyvbjerg 2006). Some consider the approach is also more useful at the beginning of the research process to generate hypothesis, rather than providing evidence to test or build theories (Flyvbjerg 2006). These issues can be partly tackled through selection of case study, ethical research design and testing findings with colleagues (Yin 2014).

3.3.1.1 Definition and selection

The case study for this research is PEL against the Adani mine project and is limited to legal cases drawing upon environmental law and conducted as a part of the environmental campaign to stop the mine between 2014 and 2017. The environmental campaign was a high-profile controversial environmental campaign during this time and significantly used

legal opportunities to try and stop the development. The case study contains key characteristics required for research, including uniqueness, high levels of general public interest and national (and global) significance (Yin 2014). During the period of the case study, the Adani mine was touted as the largest coal mine in Australia (see for example, Aston 2015) and the campaign against the mine was enacted locally, nationally and internationally (#StopAdani 2019). The campaign became a symbol of the fight against new coal developments in Australia (and globally) and represented the political struggle to respond to climate change. Legal action challenged Australian environmental laws in terms of climate change and significantly impacted the Adani mine project approval timeline.

Overall nine PEL cases were filed to try and stop the Adani mine project as a part of the environmental campaign, though only eight cases were filed between 2014 and 2017. As discussed in Chapter One, the Australian Conservation Foundation case against Adani's North Galilee Water Scheme project was excluded as it was filed in late 2018. The number of cases over many years helps to overcome some of the criticisms of a case study approach, providing data depth and the ability to analyse trends over time in context of the Adani conflict. With the campaign against the Adani mine project still ongoing, legal cases also provided clear time and event boundaries, as recommended by Yin (2014).

PEL cases against the Adani mine project used legal opportunities created by both Queensland and Commonwealth environmental laws applicable to the different components of the Adani mine project. To successfully export the coal from Australia to India, the project involves constructing and operating an open and underground coal mine and associated infrastructure; building new rail to connect the mine to Abbot Point Port; upgrading Abbot Point Port to increase coal capacity; and constructing a new water pipeline to the mine site (Adani Australia 2018c, 2018d, 2018e; Adani Infrastructure 2018; Adani Mining 2012). These different project components all required some degree of

environmental approvals at either the Queensland and/or Commonwealth level. To show this distinction the eight PEL cases in scope are described according to their jurisdiction and shown in Table 3.1 and Table 3.2. Specific dates for associated PEL events, such as filings, hearings and judgements, are found in Appendix D. These dates are important for data collection as later explained in this chapter.

Table 3.1 PEL cases using Queensland environmental law

Case	Project part	Court	Type	Case description	Outcome
<i>Adani Mining Pty Ltd v Land Services of Coast and Country Inc & Ors</i> [2015] QLC 48 and 22 (<i>Land Court case</i>)	Mine	Queensland Land Court	Merit review	Objection to the mine's application for a mining lease and the granting of an environmental approval based upon: <ul style="list-style-type: none"> - the mine's impact on groundwater and surface water and the potential impacts on the ecologically significant Doongmabulla Springs; - biodiversity impacts of the mine, particularly the endangered black throated finch and the vulnerable waxy cabbage palm; - the impact of burning coal from the mine on climate change and hence on the Great Barrier Reef; - the mine is not economically viable; and - approval is against the public interest (<i>Land Services of Coast and Country Inc v Chief Executive, Department of Environmental and Heritage Protection & Anor</i> [2016] QSC 272:10) 	Recommended mine approval but with additional conditions related to the black throated finch. Dismissal of Adani Mining's application for Land Services of Coast and Country to pay costs.
<i>Land Services of Coast and Country Inc v Chief Executive, Department of Environmental and Heritage Protection & Anor</i> [2016] QSC 272 (<i>LSCC Supreme Court case</i>)	Mine	Queensland Supreme Court	Judicial review	Whether the Minister had failed to consider Sections 3 and 5 of the <i>Environmental Protection Act 1994</i> which requires decision makers to best achieve the ecological sustainable development purpose of the Act (Environmental Defenders Office 2016a; <i>Land Services of Coast and Country Inc v Chief Executive, Department of Environmental and Heritage Protection & Anor</i> [2016] QSC 272:1)	Case dismissed
<i>Whitsunday Residents Against Dumping Ltd v Chief Executive, Department of Environment and Heritage Protection & Anor</i> [2017] QSC 121 and 159 (<i>WRAD case</i>)	Port	Supreme Court of Queensland	Judicial review	Whether the Queensland Department of Environment and Heritage Protection applied the legislative tests outlined in the <i>Environmental Protection Act 1994</i> when granting authority for the Abbot Point Port Terminal 0 expansion (Queensland Environmental Defenders Office 2017).	Case dismissed. Whitsunday Residents Against Dumping ordered to pay Adani's costs.

Table 3.2 PEL cases using Federal environmental law

Case	Project part	Court	Type	Case description	Outcome
<i>North Queensland Conservation Council v Minister for the Environment & Ors</i> [AAT2014/1043] (NQCC case)	Port	Queensland Administrative Appeals Tribunal	Merit review	Whether the Ministerial decision to grant a sea dumping permit to Queensland Bulk Ports was incorrect under the requirements of the <i>Environmental Protection Sea Dumping Act 1991</i> (Queensland Environmental Defenders Office 2014a)	Case abandoned when North Queensland Bulk Port Authority changed dumping plans and the Tribunal ordered the permit be cancelled in June 2015 with the consent of all parties (Queensland Environmental Defenders Office 2014a).
<i>Mackay Conservation Group v Minister for the Environment</i> [QUD118/2014] (MCG sea dumping case)	Port	Federal Court of Australia	Judicial review	Whether the Minister failed to protect the World Heritage Area by permitting sea dumping close to the Great Barrier Reef (Queensland Environmental Defenders Office 2014b).	Case dismissed in November 2015 with all party consent when the Federal Government banned sea dumping in the Great Barrier Reef Marine Park (Queensland Environmental Defenders Office 2014b).
<i>Alliance to Save Hinchinbrook Inc v Minister for the Environment</i> [QUD8/2015] (ATSH case)	Port	Federal Court of Australia	Judicial review	Whether the Minister erred when fast tracking the approval process to dump spoil onshore from the Port Abbot Point upgrade on the Caley Wetlands, nearby to the Great Barrier Reef. This includes allowing preliminary documentation to be used and a shortened public consultation period (Queensland Environmental Defenders Office 2015b).	Case abandoned when the Queensland Government officially withdrew its proposal in March 2015 after announcing dredge would not be placed in the Caley Valley Wetlands (Queensland Environmental Defenders Office 2015b).

Table 3.2 continued

Case	Project part	Court	Type	Case description	Outcome
<i>Mackay Conservation Group v The Commonwealth of Australia & Ors</i> (NSD33/2015) (MCG case)	Mine	Federal Court of Australia	Judicial review	Whether the Minister failed under the <i>Environmental Protection and Biodiversity Act 1999</i> when approving the mine to: <ul style="list-style-type: none"> - consider the impact of burning coal from the Adani mine on the Great Barrier Reef; - consider conservation advices for the vulnerable species, the Yakka Skink and Ornamental Snake; and - consider Adani's environmental performance overseas (Mackay Conservation Group 2015a, 2015b, 2015c). 	Parties consensually agreed to set aside the approval outside of court based upon failure of the Minister to consider conservation advices concerning the Yakka Skink and Ornamental Snake (Federal Court of Australia 2015b).
<i>Australian Conservation Foundation Incorporated v Minister for the Environment</i> [2016] FCA 1042 and 1095 (ACF case)	Mine	Federal Court of Australia	Judicial review	Whether the Minister failed under the <i>Environmental Protection and Biodiversity Act 1999</i> when approving the mine to: <ul style="list-style-type: none"> - consider the impact of Adani coal transport, shipping and combustion overseas on the Great Barrier Reef World Heritage Area; - apply the precautionary principle; and - to ensure consistency with the World Heritage Area Convention (<i>Australian Conservation Foundation Incorporated v Minister for the Environment</i> [2016] FCA 1042). 	Dismissed and Australian Conservation Foundation appealed. Australian Conservation Foundation ordered to pay 70% of Minister's costs and 40% of Adani's costs.
<i>Australian Conservation Foundation Incorporated v Minister for the Environment and Energy</i> [2017] FCAFC 134 (ACF case)	Mine	Full Federal Court of Australia	Judicial review	The judge erred in the decision of <i>Australian Conservation Foundation Incorporated v Minister for the Environment</i> [2016] FCA 1042.	Appeal dismissed

As shown in the previous tables, PEL against the Adani mine project has largely focused on the mine and port components and most cases were judicial review, rather than merit-based.

3.3.1.2 Case study alternatives

Alternatives to the case study were considered during research planning due to the prevalence of PEL extending beyond the campaign to stop the Adani mine project. There were legal cases against other new and expanding coal mines, such as the Alpha Coal project in the Galilee Basin and the New Acland Coal mine in the Darling Downs, and cases against developments, such as dams and fracking (McGrath 2019). Climate change litigation is also a growing field (Preston 2016) and during the research there were examples of successful legal cases (see for example, Hughes 2019). This raised the need to consider alternatives to the case study definition and questioned whether just looking at PEL against the Adani mine project was too narrow. The following alternatives were considered:

1. Broadening the scope to include all PEL against all new coal mine developments in the Galilee Basin, or even more broadly, all new coal mines across Australia;
2. Broadening the scope to include legal cases from other fossil fuel conflicts such as fracking;
3. Broadening the scope to include a range of representative legal cases across different industries and environmental impacts; and
4. Restricting the scope to climate change litigation but encompassing legal cases beyond the Adani conflict.

When considering these options, the rich data set of PEL against the Adani mine project could not be ignored. The case provided a significant level of litigation without the support of a broader case study scope. Media covering the Adani conflict also drew upon other litigation, particularly new coal mines in the Galilee Basin and hence provided insight into

the crossover between conflicts. The other dilemma, if the case study was extended, was the broader definition of the campaign against the Adani mine to include the bigger campaign against new coal mines. This would greatly increase case study complexity and it was decided that with a focus only on the Adani campaign an understanding of discourse over time, rather than the discrete impact of independent legal cases, could be reached without this dilemma.

3.3.2 Mixed methods

To understand news media representation of PEL against the Adani mine project a mixed methods approach is taken. This approach combines qualitative and quantitative approaches applied to the same data set (Creswell 2009; Hesse-Biber and Johnson 2015). Researchers apply mixed methods to gain synergy from the strengths and weaknesses of individual approaches and to confirm, or ‘triangulate’ results (Small 2011). Triangulation is where different data measures the same phenomena to find consistency in findings (Yin 2014:241). In a case study, finding convergence helps to show data accuracy and support conclusions (Yin 2014). Mixed methods are also encouraged in media and communication research as the field sees strength in research inspired by a range of disciplines (Hansen and Machin 2013a). When considering which methods to mix, many scholars provided guidance (see for example Billett 2010; Davis 2007, 2009; Haltom and McCann 2004; Lester and Hutchins 2009, 2012).

There is scholarly debate concerning mixed methods (Hesse-Biber and Johnson 2015; Small 2011). Lack of consistent definitions for ‘qualitative’ and ‘quantitative’ approaches make categorisation difficult and there are concerns these different approaches can work together (Small 2011). Some degree of caution for mixed methods is highlighted by scholars, especially when working ‘at the borders’ of disciplines, as the approach may present dangers to scholars who transgress into other disciplines without fully understanding or applying

concepts appropriately (Hesse-Biber and Johnson 2015:xxxiii). This was a consideration with this study as it transgresses a number of fields, including social movements, environmental law and media and communications.

3.3.2.1 Method overview

The following methods are applied in this research:

1. Quantitative content and framing analysis and qualitative critical discourse analysis of news texts and images;
2. Semi-structured interviews with Adani conflict actors;
3. Observations of activists and community groups at two anti-fossil fuel conferences;
4. Tracking conflict actor advocacy and public relations information flows, such as press releases, social media posts and legal judgements, to news texts; and
5. Digital methods applied to social media posts in response to a legal judgement.

3.3.3 Understanding news texts

3.3.3.1 Discourse Analysis

The study of discourse is a common approach in the media and communications field (Peeples 2015). Many scholars describe discourse as ‘language in use’ (such as Gee 2014:17; Peeples 2015). James Paul Gee, a prominent discourse and linguistics scholar, believes discourse goes beyond language (2015) He argues discourses ‘are ways of behaving, interacting, valuing, thinking, believing, speaking and often reading and writing that are accepted as instantiations of particular identities by particular groups’ (Gee 2015:4). This broader concept recognises discourse as a socially constructed phenomenon, revealing social structures, multiple meanings and contributing to the production of social life (Fairclough 2003, 2013; Gee 2015; Van Dijk 1993).

Discourse analysis is defined as the ‘study of language in use’ (Gee 2014:8). The process involves applying linguistic tools to texts, including written word, spoken word and images (Machin and Mayr 2012). Applied fully, it is a ‘circular’ approach, considering text, text production, audiences and social context (Fairclough 2003; Richardson 2007). The method assumes language has power and influences how people think and act (Van Dijk 2001:353). For example, Foucauldian influenced discourse scholars consider the influence of hegemony and power in discourse (see for example, Evans and Phelan 2016). Hansen (2011) encourages environmental communication scholars to continue this tradition.

Discourse approaches are generally referred to as ‘descriptive’ or ‘critical’ (Gee 2014:8). Descriptive approaches are concerned with the content, themes and issues raised in discourse. A commonly used descriptive discourse approach is content analysis. This approach is systematic and quantitative with significant application in the media and communications field (Hansen and Machin 2013a:86). The purpose of content analysis is

to identify and count the occurrence of specified characteristics or dimensions of texts, and, through this, to be able to say something about the messages, images, representations of such texts and their wider social significance. (Hansen and Machin 2013a:89)

Text characteristics are quantified by coding sample texts against pre-defined categories (Hansen and Machin 2013a:98-107). Researchers generally develop their own coding systems but are also observed to use influential theorists, such as John Dryzek (2013), to apply generic discourse frameworks (see for example, Billett 2010; Doulton and Brown 2009). Content analysis allows the use of large datasets to distinguish long-term trends and integrates well with other methods (Krippendorff 2004; Weller et al 2014). There are also criticisms of the method, including claims of lack of objectivity, ‘meaningless counting’, fragmenting of texts and the interpretation of statistics (Hansen and Machin 2013a:88-91).

Scholars recommend results are placed in the context of relationships between media and society (Hansen and Machin 2013a).

Content analysis is closely related to framing analysis (Hansen and Machin 2013a; Kitzinger 2009). As discussed in Chapter Two, framing ‘involves *selection* and *salience*’ and influences how an audience thinks about an issue (Entman 1993:52). Framing analysis attempts to give insight into audience interpretation of texts. The method is commonly used in media and communications research and the study of social movements (see for example, Benford and Snow 2000; Pan and Kosicki 1993; Reese et al 2003). The approach to framing analysis varies from descriptive to empirical (Chong and Druckman 2007; Kitzinger 2009; Tankard 2003). Jenny Kitzinger (2009) finds framing analysis often leads to ‘binary’ or oppositional frames (134). Her method draws upon defining frame ‘language devices’ in texts and observing how and when they are used (135). James Tankard’s (2003) framework uses a ‘list of frames’, such as headlines, leads, photographs and source selection to guide analysis (96-105).

Descriptive discourse analysis, particularly content analysis, can also be conducted using computer aided discourse analysis and is a growing research trend in media and communications research (Gurney 2014; Hansen and Machin 2013a; Kirilenko and Stepchenkova 2012). The use of computer software programs overcomes the challenge of large corpuses of digitised texts. Manual analysis limits content analysis to a small number of texts and potentially constrains timeframe. Computer programs, such as Leximancer and NVivo, can analyse large datasets quickly by looking for language features such as word counts and themes (Gurney 2014; Lai and To 2015). There is debate about which software program to use and whether results are comparable (Sotiriadou et al 2014). Each program is based upon different functionality and assumptions and there is also a concern computer aided discourse reduces intimacy with the data.

Compared to descriptive discourse methods, critical analysis takes a finer qualitative view of language. There are two main approaches, critical linguistics and critical discourse analysis. Critical linguistics seeks ‘to show how language and grammar can be used as ideological instruments’ based on how texts categorise ‘people, events, places and actions’ (Machin and Mayr 2012:2). Critical linguistics looks for what is absent in the text as well as assumptions and concepts taken for granted. Critical linguistics is often criticised for ‘lacking development of the nature of the link between language, power and ideology’ (Machin and Mayr 2012:4). This criticism spurred the development of critical discourse analysis (CDA) (Van Dijk 2001:95). CDA borrows the tools of critical linguistics and applies these to explore the concept of societal power. The approach evaluates language and grammar choices by a writer or speaker to create meaning and persuade an audience (Hansen and Machin 2013a:115). Largely built upon the influential works of Norman Fairclough (2003, 2013), Ruth Wodak (1999) and Teun Van Dijk (1993, 2001), CDA is openly committed to political intervention and social change (Machin and Mayr 2012:4). The approach, though not homogeneously applied, is significant in media and communication studies, with Carvalho (2008) describing CDA as ‘the single most authoritative line of research regarding the study of media discourse’ (Carvalho 2008:162). In CDA, text is analysed for lexical use and suppression; naming and references; use of modals, hedging and rhetorical tropes; and how actors are represented (Hansen and Machin 2013a). Results are placed in societal context, especially in respect to power and inequality, to understand what the text may ‘say about the society in which it was produced for’ and what impacts the ‘text may have on social relations’ (Richardson 2007:42). In environmental communications, CDA is applied to climate change media representation and impacts on climate change policy (see for example, Boykoff 2008; Carvalho and Burgess 2005).

The detailed steps of CDA limits research to a small number of texts (Machin and Mayr 2012:217). This can mean ‘snapshots’ in time are taken rather than longer perspectives (Carvalho 2008:173). This can be overcome by using longer timeframes in conjunction with intense reviews of chosen time periods (see for example, Baker et al 2008). Anabela Carvalho (2008) calls these intense periods of time ‘critical discourse moments’ and defines these as ‘periods of specific happenings which may challenge the “established” discursive positions’ (166). For example, events related to politics, science and entertainment.

CDA has been criticised for lacking objectivity, with scholars ‘cherry picking’ data to suit the needs and ideology of the researcher (Hansen and Machin 2013a:150). Fairclough (2003) was unconcerned by this criticism and considers ideological openness a strength. It is difficult for any researcher to approach their study without any bias and remain objective. CDA allows for this disclosure and the researcher to build upon this ideology. This said, there is also a growing trend to combine qualitative and quantitative methods, such as content analysis or corpus linguistics with CDA, to validate findings and increase rigour (see for example, Baker et al 2008; Baker 2012; Billett 2010).

As well as text, visuals are also an important data source for discourse analysis. Common across visual communication research is how people ‘see’ images differently depending upon cultural influence (Hansen and Machin 2013b; Sturken and Cartwright 2003). Images have layers of meaning: the literal and descriptive meaning and the culturally specific meaning. These aspects are influenced by the experiences of the viewer and the social and political context in which the image is consumed. One image can have multiple interpretations and meanings. This raises questions of how different images of the environment are produced and interpreted (Hansen and Machin 2013b).

Within discourse analysis, images are considered ‘text’ (see for example, Kress and van Leeuwen 2006; Machin and Mayr 2012). Gunther Kress and Theo van Leeuwen argue ‘expressing something verbally or visually makes a difference’ (2006:2). In response, multi-modal critical discourse analysis extends to images (Machin and Mayr 2012). Many image analysis methods draw upon linguistics (Hansen and Machin 2013a; Kress and van Leeuwen 2006) while others use more descriptive techniques (see for example, Gamson et al 1992). Ideas of symbolism and semiotics also strongly influence image analysis theory (Hansen and Machin 2013a). Hansen and Machin’s (2013a) approach to image interpretation encourages ‘the analyst to describe what they see in images’ to avoid early interpretation (202). This includes describing what is depicted; cultural connotations; the subject’s gaze and pose; and surrounding objects and settings. Both Hansen and Machin (2013a) and Kress and Van Leeuwen (2006) also recommend understanding the relationship between the image and the viewer, such as angle of interaction, distance and proximity. The text surrounding the image, such as captions or subtitles, also requires textual analysis in context of the image.

3.3.3.2 Application of discourse analysis

A combination of discourse analysis methods is used in this study. This includes content analysis, framing analysis and CDA to text and images. This combination provides a balance between qualitative and quantitative and allows long term understanding of data alongside intense analysis.

3.3.3.2.1 Text selection

The first step to conduct a discourse analysis on news texts and images was text selection. In the media and communications field, it is no longer accepted research practice to consider ‘traditional’ vs ‘new’, or ‘print’ vs ‘digital’ as this does not reflect the global flow of communication nor how audiences consume media (Beck 2011; Couldry 2012; Hepp and Couldry 2009). This created complexity when determining who was the audience and what

media to use for analysis. Media and communication scholars often use newspapers to reflect public discourse on environmental issues and court reporting as they are viewed as a definer of news compared to television and radio (see for example, Billett 2010; Boykoff 2008; Carvalho and Burgess 2005; O'Neill 2013; Spill and Oxley 2003). Historical records are also easier to access and analyse. Based upon this tradition, though with a feeling of slight unease about the changing media landscape, this study assumed the audience was the Australian public and used print-based news outlets with digital websites as representative news outlets. This decision was supported by media monitoring during the early months of research to determine which media outlets reported on the Adani conflict. This included daily news media, such as television, radio and digital newspapers, as well as social media monitoring of conflict actor Facebook pages. Google Alerts set for 'adani carmichael' provided daily updates. As well as contributing to news outlet selection, media monitoring informed the case study, provided background knowledge and continued throughout the research period. A sample of television news stories was collected during the week of one PEL event, the *ACF case* appeal decision, to understand whether there were any differences between press and television news. However, this data was not included in the study as a number of events occurred prior to the research period and recording, transposing and understanding visuals was a time-consuming process. This also aligned with Wodak and Meyer (2009) who recommended analysing only one media source.

Seven Australian news outlets representing news consumed by the general Australian public were selected for research. There are shown in Table 3.3 including ownership and database source.

Table 3.3 Australian news outlets

News Outlet	Description	Owner	Text Source/s
<i>The Australian</i> , including the <i>Weekend Australian</i>	Australian national, daily, digital, print	News Corp	NewsBank (www.newsbank.com) supplemented with searches of <i>The Australian</i> website for images and texts not found on NewsBank (theaustralian.com.au).
<i>The Sydney Morning Herald</i>	Australian metropolitan, Sydney, NSW, daily, digital, print	Fairfax Media until December 2018 and merged with Nine Entertainment	NewsBank supplemented with searches of <i>The Sydney Morning Herald</i> website for images and texts not found on NewsBank (smh.com.au).
<i>The Courier Mail</i> , including the <i>Sunday Mail</i>	Australian metropolitan, Brisbane, Qld, daily, digital, print	News Corp	NewsBank and a minor number of digital versions from their website (couriermail.com.au).
<i>The Guardian</i>	Australian national, daily, digital	The Guardian Media Group	<i>The Guardian</i> website (guardian.com.au) Not available on NewsBank.
<i>ABC News Online</i>	Australian national, daily, digital	Australian Government	<i>ABC News</i> website (abc.net.au) under the 'News' tab on the search engine. Not available on NewsBank.
<i>Central Queensland News</i>	Australian regional, Clermont Qld, weekly print, daily digital.	Australian Regional Media Group (owned by News Corp)	NewsBank supplemented with searches of the <i>Central Queensland News</i> website for images and texts not found on NewsBank (cqnews.com.au)
<i>Australian Financial Review</i>	Australian national, business news, print and daily digital	Fairfax Media until December 2018 and merged with Nine Entertainment	<i>Australian Financial Review</i> website (afr.com.au). Not available on NewsBank.

Table 3.3 shows a mix of Australian national, metropolitan and local media. These media outlets are well-known national and metropolitan news outlets in Australia, apart from the *Central Queensland News*, and cover a range of ownership and geographical audiences. There is a focus on Queensland due to the case study; the *Central Queensland News* was selected to represent regional Queensland news as its readership is in the Clermont area where the mine will be built. In the selection process I considered other Queensland regional news outlets. For example, News Corp's *Townsville Bulletin* was considered as their audience is in a significant population centre and closer to Abbot Point Port. After a review

of media outlet ownership and a broad understanding of news coverage, I decided one regional paper would provide sufficient long-term evidence of discourse. Nearly all the newspapers in the area are owned by News Corp and these outlets share stories (Australian Regional Media 2018; News Limited 2018). As such, the *Central Queensland News* provided a representative sample of Queensland regions as well as the local community impacted by the mine. The other news outlet of note is *The Guardian*. Traditionally, *The Guardian* has not been an influential news outlet in Australia, with its historical focus on the UK. Since its online website launch in Australia in 2013, *The Guardian* has reported significantly on the Adani mine and contributed to public discourse on environment and climate change issues (ABC News and Australian Associated Press 2013; *The Guardian* 2019a, 2019b). This makes *The Guardian* an important news outlet to include in my research.

A significant number of news outlets were excluded from this research, with not all Australian states and territories represented. Not all capital city news outlets were included due to text sharing between media outlets owned by the same media company. For instance, Adani corpus texts in Sydney-based *The Sydney Morning Herald* were also published in Melbourne-based *The Age* and Canberra-based *Canberra Times*, all owned by Fairfax Group at the time. Television and radio news, particularly *ABC Radio*, *ABC 730 Report*, *ABC Four Corners* and local television news (such as *Channel 7*, *WIN News* and local *ABC News*) also played a role communicating the Adani conflict to the Australian public. These forms of news were sometimes difficult to collect and time-consuming to analyse so they were excluded from the corpus. Where these news forms have influenced the corpus, they were included in discussion and noted as outside the corpus. Niche media outlets, such as mining industry, environment and renewable energy outlets were also excluded as they were not considered general public media organisations.

As well as coverage in Australian news, the Adani conflict received coverage in international news, including India, United Kingdom, China and Canada (see for example, Aulakh 2015; Stacey 2017). Scholars warn that research bounded by the nation or used as a point of comparison does not reflect how it is being consumed (Beck 2011; Hepp and Couldry 2009; Thussu 2009; Volkmer 2014). For example, climate change discourse in media is often researched using national media outlets as the basis of consumption (see for example, Schmidt et al 2013). This study acknowledges these concerns but struggled to design a simplistic study to overcome the problem.

As a result, seven Indian print-based news outlets were chosen to be a part of the study based on transnational relevance to the case study, consistency with the Australian news outlets and access in NewsBank. These are shown in Table 3.4.

Table 3.4 Indian news outlets

News Outlet	Description	Owner	Text Source
<i>The Statesman</i>	Indian English language, daily, print and digital	The Statesman Limited	NewsBank
<i>The Hindu</i>	Indian English language, daily, Chennai, digital and print	The Hindu Group and Kasturi and Sons Limited	NewsBank
<i>The Times of India</i>	Indian English language, daily, digital and print, Mumbai	The Times of India Group	NewsBank
<i>The Economic Times</i>	Indian English language, business news, daily, digital and print	The Times of India Group	NewsBank
<i>The Indian Express</i>	Indian English language, daily, digital and print, Mumbai	The Indian Express Group	NewsBank
<i>Hindustan Times</i>	Indian English language, daily, digital and print, New Delhi	HT Media	NewsBank
<i>Financial Express</i>	Indian English language, daily, digital and print, business news	The Indian Express Group	NewsBank

All Australian and Indian news outlet texts were published in English. This is an issue in media and communications research with the historical prominence of English language theories and empirical research and its application to non-Western, non-English speaking communities (Thussu 2009). Silvio Waisbord views globalisation as an opportunity for

communication scholars but also recognises that the discipline lacks a ‘clear path’ to navigate a ‘common understanding of quality standards, conceptual languages and epistemological premises’ (2016:868). In many cases theories and methods are often applied with little consideration given to cultural and language aspects (Thussu 2009). To overcome this issue the use of the Indian corpus in the study was limited and there was no analysis related to cultural and social issues. Though it should be noted as the Indian legal system is based upon common law, like Australia’s, there are some legal similarities which may reduce complexity. However, this was not considered significant enough for this thesis to warrant further investigation.

To build the text corpus from the Australian and Indian news outlets, NewsBank and/or the digital news site was used as the text source. Initially NewsBank was preferred to try and create a stable foundation for the research. This became problematic as *ABC News*, *The Guardian* and *The Australian Financial Review* texts were not stored in NewsBank. In these cases, only the digital sites were used. Problems also arose from searching news outlet websites due to the differences in digital site search engines and capability. For instance, *The Guardian* search engine only provided ten pages of search results. This limited the search to 100 texts. In later years of records, these ten pages were dominated by more recent texts. This made finding a text on a particular event in the past difficult. Fortunately, *The Guardian* grouped relevant texts together into the ‘Carmichael coal mine’ page and the ‘Adani Group’ page (*The Guardian* 2019a, 2019b). These were used as guidance for coverage and links within these texts followed.

Newsbank and digital news websites were all searched between 1 July 2010 and 31 December 2017. These dates were based upon when Adani first bought the rights to the Carmichael mine in 2010 and the final legal event in scope in August 2017. A rigorous collection of 2018 or 2019 texts was not conducted. Search terms ‘adani carmichael’, ‘adani

abbot point' and 'adani coal' were initially used to collect texts from Australian media outlets. On review of the texts there were some noticeable gaps in the data. It was discovered that any texts where 'coalmine' had been written as one word and any texts which referred to the Adani coal mine as the 'Adani mine' were missing. This was more apparent in the latter part of the dataset which could be due to the increasing familiarity of the conflict in the public leading to journalists simplifying naming. The launch of the '#StopAdani' campaign in March 2017 also focused anti-mine messages on the corporation Adani and this may have impacted the way in which journalists referred to the conflict. To overcome these issues, the search term was broadened to 'adani' and any texts not related to the mine or the reputation of Adani in Australia were excluded (see for example, Sexton 2012). Sometimes texts were found which alluded to the Adani conflict but did not clearly state Adani or the Carmichael mine. These were excluded as even though they were representing the conflict, it was difficult to set a search boundary. For example, texts about the bleaching of the Great Barrier Reef which did not refer to the Adani mine proposal but discussed the relationship to the coal industry were excluded. For Indian media coverage the term 'adani' was too broad and found non-related Adani Group business activities. To overcome this issue, different search terms were used: 'Adani queensland' and 'adani greenpeace'. These were based upon reading relevant Indian texts and determining what key words would distinguish texts. As with the Australian search, any texts not related to the mine were excluded.

Counting the frequency of texts also required care. A text was counted as one if it had a record in NewsBank or it existed on the digital websites accessed. For print editions, if a text was on page one and then followed by relevant reports or a continuation of a report with a different headline, each record was counted as one. This reflected how they were stored on NewsBank and also their different headlines and content. Texts published in weekend versions of weekday outlets were counted as part of the weekday outlets, such as *The Sunday*

Mail were counted as *The Courier Mail*. This mirrors how NewsBank recorded the files. Letters to the Editor were also counted as one, even if there were multiple letters in the Letters to the Editor section. This was also consistent with how NewsBank records Letters to the Editor. Letters to the Editor were included as news outlets make editorial decisions to publish these letters. Comments posted on online texts, such as *The Australian* and *The Guardian* were excluded. Comments can be placed anytime so it was difficult to determine a time boundary for capture. NewsBank also often had repeated text records. Within the data there were some texts with the same headline but different word count or page number. Some had the same content but different headline. In these cases, the records were reviewed, and judgement made on which one to include in the dataset. If a text had the same headline but different word count, the text with the greater word count was chosen. If only the headline was different, one was randomly chosen, and a record made in the database that there was a different headline for the same text.

Consistent with other media and communications research using the internet as a data source, the instability of internet content and functionality also caused considerable issues during the data collection phase (Karlsson and Sjøvaag 2016; McMillan 2000). Digital texts can change over time while print texts remain stable. Fortunately, digital texts collected provided a date and time stamp so there was transparency about whether it had been changed. However, most texts did not advise the reader on what had changed, only that something had changed. For this study, the version available online at the time of downloading was added to the database, no matter the date and time stamp. There was no review of individual texts over time to determine whether they were the latest version. This was deemed too time-consuming. If a text had been deleted and the weblink was broken, it was not included in the corpus.

During the research period there were also changes to search engines, including ‘look and feel’ and whether you could search by relevance and/or date. For example, *The Australian* removed the ‘relevance’ button on the search page in 2018 and hits could only be ordered by date, with the latest first. This made it difficult to find older texts. In another example, on 2 March 2018, no texts from 2017 were found using the *ABC News* search engine when it was accessed to download texts from October to December 2017. This was despite being used successfully for the case study period prior to this time. There had been significant coverage during this time, particularly of the relationship between the Adani conflict and the Queensland election, so it was clear there was an error with the search engine rather than the lack of texts. ABC were contacted about this issue but there was no response. To overcome the problem, Google search was used with the search terms ‘ABC News Adani’. Once relevant texts were found, links to ‘relevant articles’ were followed within the news texts. I also searched the Google Alerts I had received to check for any additional *ABC News* stories. There remains some uncertainty as to whether all *ABC News* stories, particularly those published during the 2017 Queensland election, were included in the database. However, a point was reached where no new texts were found. There was also no PEL during this period, so I concluded additional coverage would not add to the discourse during this time and stopped searching.

3.3.3.2.2 Corpus construction

Texts collected in the process were separated into three separate news corpuses: (1) the ‘Adani corpus’, (2) the ‘PEL sub-corpus’ and (3) the ‘Indian corpus’. All corpuses were recorded in an Excel spreadsheet with news outlet, author, date and headline. Texts were saved in separate files.

The ‘Adani corpus’ is a representative body of 3,005 news texts from all seven Australian news outlets across the time period 1 July 2010 to 31 December 2017. It is a large corpus

used to understand the Adani conflict over time, including identifying key news coverage phases and how PEL events contribute to coverage peaks. The corpus is based upon one database source for each news outlet i.e. *The Australian* texts were only sourced from NewsBank. A breakdown of the Adani corpus is shown in Table 3.5.

Table 3.5 Adani corpus summary

Media Outlet	2010	2011	2012	2013	2014	2015	2016	2017	Total
<i>The Australian</i> (print)	23	43	38	26	34	123	106	341	735
<i>The Courier Mail</i> (print)	31	26	41	25	67	143	200	466	999
<i>Sydney Morning Herald</i> (print)	11	5	7	6	19	84	42	134	308
<i>Australian Financial Review</i> (digital)	8	6	4	7	41	122	37	221	446
<i>ABC News</i> (digital)	0	0	4	7	40	62	41	105	259
<i>Central Queensland News</i> (print)	3	5	9	9	23	25	44	66	184
<i>The Guardian</i> (digital)	0	0	0	6	18	97	82	172	375
TOTAL	76	85	103	86	242	656	552	1505	3305

The Adani corpus is characterised by print texts (67%), Queensland news outlets (36%) and News Corp ownership (58%). The dominance of News Corp reflects the significant ownership of newspapers by the company in Queensland (Burrowes 2016). The Brisbane *The Courier Mail* contributed the most texts while the regional *Central Queensland News* contributed the least. *Central Queensland News* had the lowest contribution as the print edition was only published weekly. *The Guardian* did not enter the Australian media market until 2012 so made no contributions to the corpus until 2013. The *ABC News* website archive did not contain any texts during 2010 and 2011 which, based upon the presence of coverage in other news outlets, appeared to be an error in the archive. From 2010 to 2013, *The Courier Mail* and *The Australian* dominated the corpus, with an average of 72% of texts from just these two outlets. This dominance reduced as the other outlets began to cover the story more frequently. From 2013 all media outlets were represented in the corpus.

As well as annual categorisation, as shown in Table 3.5, news texts in the Adani corpus were categorised according weeks across the dataset. Each calendar year was broken down into weeks (from Sunday to Saturday) and each week given a weekly number e.g. 2018 Week 4. This allowed individual weeks to be identified for later analysis.

The PEL sub-corpus is a subset of the Adani corpus and represents news media coverage of PEL events during the Adani conflict. It is a smaller corpus appropriate for qualitative discourse analysis. To create the PEL sub-corpus individual PEL legal events for each case in scope, such as filing, hearings and judgements, were identified (see Appendix D). Any text reporting on the PEL event or mentioning PEL during that week was copied from the Adani corpus. The weeks prior and post the event week were also checked to see if coverage extended beyond the weekly news cycle. Through this process 15 PEL event weeks were identified with no texts reporting on the PEL event. Even though the Adani corpus is considered representative over time, this raised uncertainty regarding the rigour of the Adani corpus at the detailed level, particularly as further ad hoc searching in digital news sites in scope revealed additional texts. To overcome this gap, the PEL sub-corpus was extended by including Adani corpus texts reporting on PEL events and mentioning PEL during the weeks of PEL events *plus* additional digital texts meeting this criterion from accessible digital news sites in scope. Collecting *Central Queensland News* digital edition and *The Australian* digital edition was conducted easily. The *Central Queensland News* site provided free access to historical data and had a highly functioning search engine. *The Australian* digital site was also accessible due to a paid subscription, but search engine functionality was not as strong and complicated the search results. Digital access to *The Courier Mail* was not available due to a paywall so only digital texts were added when they were freely available, such as via posts on social media. *The Sydney Morning Herald* digital site allowed access to historical data but was also covered by a paywall and the search engine was difficult to use. To

overcome these problems the Google search engine was used to find additional digital *Sydney Morning Herald* texts reporting on PEL. This required targeted search terms, such as using judge and litigant names alongside ‘adani’ and ‘smh’ to find texts. During this process there were circumstances when print and digital versions of the same text were found. Before determining which text to use each was assessed to evaluate if they were significantly different before adding to the PEL sub-corpus. Often print and digital texts had similar text, but different headlines and/or leads. In these cases, only one version of the text was selected. Some digital versions were also found to be longer, with additional quotes and information. In these circumstances, the longer text was chosen for analysis.

The PEL sub-corpus has a total of 275 texts. Of these, 181 texts report on the PEL case event during the week of the event and the remainder mention PEL. An additional 87 texts were collected using the digital process described above (*Central Queensland News*: 52 texts, *The Courier Mail*: one text, *The Australian*: 16 texts, *The Sydney Morning Herald*: 18 texts). The PEL sub-corpus is summarised in Table 3.6.

Table 3.6 PEL sub-corpus summary

Case^a	Total PEL sub-corpus texts	Texts only reporting on PEL case events	Total images	<i>ABC News</i>	<i>Australian Financial Review</i>	<i>Central Queensland News</i>	<i>The Guardian</i>	<i>The Australian</i>	<i>The Courier Mail</i>	<i>The Sydney Morning Herald</i>
<i>ATSH case</i>	1	1	1	0	0	0	1	0	0	0
<i>NQCC case</i>	0	0	1	0	0	0	0	0	0	0
<i>MCG sea dumping case</i>	1	0	0	1	0	0	0	0	0	0
<i>ACF case</i>	70	46	47	4	1	18	9	15	15	8
<i>Land Court case</i>	76	49	65	7	8	18	17	8	10	8
<i>LSCC Supreme Court case</i>	21	16	12	0	1	3	3	5	8	1
<i>WRAD case</i>	30	10	24	1	0	7	2	5	13	2
<i>MCG case</i>	76	59	73	7	9	13	14	10	12	11
Total	275	181	223	20	19	59	46	43	58	30

a. See Section 3.3.1.1. for case acronyms in Tables 3.1 and 3.2.

The PEL sub-corpus only has eleven weeks where there is no PEL event coverage. News texts dominate the PEL sub-corpus (236 texts), while there are 24 opinion texts, seven editorials and eight letter sections containing at least one letter referring to Adani. PEL sub-corpus characteristics are not dramatically different from the Adani corpus. Print texts (72%), Queensland news outlets (43%) and News Corp ownership (58%) still dominate. In contrast to the Adani corpus, the *Central Queensland News* contributes the most texts (21.5%), followed closely by *The Courier Mail* (21.1%). This change in news outlet contribution demonstrates the fickle nature of quantitative research in media and communications and shows how digital media supports smaller regional news outlets to report on local issues more often. As a result of these additional digital texts, the PEL sub-corpus cannot be directly compared to the Adani corpus and only the weeks of PEL in the Adani corpus can be compared to the overall Adani corpus. I considered it unnecessary to retrieve all digital texts containing ‘adani’ for all weeks of coverage from 2010 to 2017 when the Adani corpus already had over 3000 texts.

The PEL sub-corpus includes 223 images associated with texts, including 198 photographs, eight videos, four cartoons and 13 maps/figures and their associated captions. These were only sourced from digital news sites texts as images were not available from NewsBank. Image attributes were recorded in a separate Excel spreadsheet with copies of images saved in separate files. Images were categorised according to content. The image analysis was limited by the inability to determine if print texts had accompanying images (63 texts). This was partly overcome by using images in digital versions of print texts where possible, particularly for *The Australian* and the *Central Queensland News*. This approach was limited for *The Courier Mail* due to the paywall. In this circumstance, any references to images within texts were used and any freely available images included.

Including additional digital texts in the PEL sub-corpus influenced the number and source of images collected. In the PEL sub-corpus 34% of images are from News Corp owned media outlets. This is significantly less than the number of news texts collected (59%) due to News Corp paywalls inhibiting access to digital images and a significant number of news texts not including images. A total of 44 texts have no images. Of these, 23 were from *The Australian*. Just over half of *The Australian* digital texts have no images (53% of texts). This contrasted to *The Guardian* where 100% of texts contained images. The *Sydney Morning Herald* was also more dominant with respect to images compared to texts as there were a number of digital texts which had multiple images (19% images compared to only 11% of texts).

The lack of images in *The Australian* could be due to a number of factors, including the instability of the internet and media outlet transition to digital media. Of particular concern, an image collected from a digital news website disappeared online during the research process. *The Australian* digital text, 'Risk to Great Barrier Reef new front in Adani mine coal campaign', contained a photograph of Geoff Cousins when first downloaded on 26 June 2016. When viewed on 28 August 2018, the digital text on *The Australian* website no longer included the photograph, only the text, and there was no evidence the image ever existed. This issue may have significantly impacted visuals captured but it was impossible to determine by how much. The significant number of *The Australian* digital texts with no images may also be due to a slow progression from print to digital. Traditional newspapers did not include images for all stories and *The Australian* had a significant number of texts which were identical in print and digital in the corpus (only eight *The Australian* texts in the PEL sub-corpus were found to be print only). The lack of images was not observed in the same magnitude in other digital texts from other media outlets in the corpus. For instance, only one *Australian Financial Review* digital text had no image and only two *ABC News* texts

had no images. The *Central Queensland News* had 28% of digital texts with no images but also published quite different print and digital versions of most of its stories. This supports the slow progression by *The Australian* to digital.

The final corpus in the study is the ‘Indian corpus’. This corpus contains 325 texts across seven Indian print news outlets from July 2010 to December 2017. There are no images as these are sourced from Newsbank. Of these, 18 texts report on a PEL event and 54 texts mention PEL. Table 3.7 summarises the corpus.

Table 3.7 Indian corpus summary

Media outlet	Texts collected								
	2010	2011	2012	2013	2014	2015	2016	2017	Total
<i>Times of India</i>	3	5	2	4	10	5	4	3	36
<i>The Statesman</i>	3	2	1	2	5	20	8	0	41
<i>The Hindu</i>	0	1	4	0	7	7	5	4	28
<i>Indian Express</i>	1	0	2	1	8	3	0	5	20
<i>Hindustan Times</i>	2	1	2	0	5	7	0	5	22
<i>Financial Express</i>	4	5	7	1	8	10	4	8	47
<i>Economic Times</i>	4	20	19	15	23	30	14	6	131
Total	17	34	37	23	66	82	35	31	325

3.3.3.2.3 Corpus analysis

Once the three separate corpuses were built, discourse analysis was applied to the corpuses. Combining both quantitative analysis and CDA helped to overcome any potential biases involved in conducting CDA solely (Fairclough 2013). A content analysis of the Adani corpus was undertaken at a high level and began by counting the number of texts over time (Hansen and Machin 2013a). These were then graphed to quantify media attention given to the Adani conflict for annual, monthly and weekly counts. To understand Adani conflict news coverage peaks and troughs, the Adani corpus texts were re-entered during peaks and coverage re-read to understand what had happened during that time. Critical discourse moments were identified using high frequency peaks and the introduction of new discourse

(Carvalho 2008). To determine whether PEL generated peaks, texts taken from the Adani corpus during PEL events which reported on the event or mentioned PEL were counted. As previously discussed, there was no comparison between the Adani corpus and the PEL sub-corpus counts as additional digital texts were not collected for all weeks of the Adani conflict. To understand whether PEL had gained coverage in the Indian corpus, texts during PEL event weeks were searched as well as search terms ‘legal’ and ‘court’ used across the whole corpus to identify any delayed reporting.

With an understanding of media attention in the conflict and the role of PEL, the next step was a detailed analysis of the PEL sub-corpus. This required a more immersive approach, namely a combination of content and framing analysis and CDA. Firstly, all texts were printed out and read. A manual content analysis was then conducted on a weekly PEL event basis and then rolled up into a total PEL case. Codes, or categories, were defined rather than using a borrowed framework to ensure the research question was answered. Coding involved counting of claims, or topics, present in texts. For example, mentions of climate change, the Great Barrier Reef and job benefits. This led to a large database of lots of counts and it was difficult to decipher the flow of language over time i.e. ‘meaningless counting’ (Hansen and Machin 2013a).

To overcome meaningless counting, a new and more focused approach was taken. Using the knowledge gained from the initial coding process, five PEL frames were identified: (1) *court conflict*; (2) *activist tactic*; (3) *public right*; (4) *bureaucracy*; and (5) *criminality*. Language devices representing these frames were then identified (see Appendices F to J for language devices for each frame, including corpus examples). Language devices were counted in headlines in the PEL sub-corpus and used as an indicator of frames over time (Kitzinger 2009; Tankard 2003). For example, the term ‘activist’ represents the *activist tactic* frame. If the term was in a headline it was counted as one. Once conducted, these counts provided a

trigger to take a closer discursive look into texts and connect back into the claim counting conducted earlier. This felt like a ‘circular’ approach but helped to balance corpus intimacy against meaningless counting.

As well as claims and language devices, sources quoted in texts were also counted, including who was first quoted (priority source) (Tankard 2003). Sources were only counted if they were an individual. The count excluded references to reports produced by organisations, letters/social media posts (unless the letter was clearly identified as from a named organisation) and sources in images. If multiple actors of the same category were in one text, each actor was counted. For example, a text with quotes from three environmental groups was counted as three rather than one. If there were multiple quotes from one actor in a text, the source count was one. If multiple actors from the same organisation were quoted the count was for each individual. If multiple actors of the same category were present in a text, each actor was also counted separately.

Leximancer was trialled to determine if computer aided discourse analysis would be appropriate for content analysis. Preliminary results showed the use of computer aided discourse analysis was not able to discern or deepen analysis of the political nuances of PEL language. Language themes and relationships were too high level and required further detailed analysis at the text level. Some input data, such as pdfs downloaded from the *Australian Financial Review*, were also riddled with invisible code which Leximancer could see and included in the analysis. Journalism convention also influenced outputs. For example, a person quoted was generally first called by their full name in a text, such as Mr Greg Hunt. The person was then referred to as Mr Hunt or Hunt or even as the title of their role if they were in a prominent position e.g. the Minister. In Leximancer, this influenced the count of actors within the text as the program automatically considered Mr Hunt, the Minister

and Greg Hunt as different people. To overcome these issues considerable clean up and/or results editing was required.

Images alongside texts were analysed for content by examining who or what was in the image, what they were doing, where the image was taken and how the image may be viewed (Hansen and Machin 2013a; Kress and van Leeuwen 2006). This included subject distance, gaze and symbols. For example, objects and people were assessed as to proximity to the viewer (long, medium or close distance), where they were looking (directly at the viewer or to the side) and whether there were any symbolic references, such as to nations or causes. These image qualities and characteristics helped to understand how an audience may interpret the image, including power relationships (Kress and van Leeuwen 2006).

Image source was also recorded to understand news production practices. Images were categorised according to themes and counted. Image captions were taken into consideration in the context of images rather than text. This would impact counts if a category was mentioned in the caption but not visible in the image. For example, India referenced in the caption but with no discernible Indian landscape, cultural reference or Indian symbol in the image would still equate to one count for the 'India' category. Multiple content categories were applied to each image in the PEL sub-corpus, rather than just the dominant category. For example, if a politician was shaking hands with a representative from Adani, one count went to the 'politician' category and one to the 'Adani' category.

3.3.4 Understanding news production

The study of news representation of PEL also requires an understanding of news production and societal influences (Richardson 2007). A number of methods can be applied to gain different perspectives on these invisible media processes. Much of the discussion on discourse analysis in previous sections concentrates on the textual analysis component of discourse. This focus is a key criticism of the approach, with scholars highlighting the rarity of textual analysis combined with production context and audience reception (Hansen and Machin 2013a:149). In response, scholars encourage a ‘circular’ approach reflecting the relationship between society, discourse and media (Fairclough 2003; Richardson 2007). This extends discourse analysis to include text production; the social practices texts are created within; and the audience response to these texts. Increasingly discourse analysts are moving in this direction and examples exist where textual analysis is supported with interviews, observation and/or surveys (see for example, Billett 2010; Davis 2007, 2009; Delshad and Raymond 2013; Lester and Hutchins 2009, 2012).

3.3.4.1 Interviewing

Interviewing is a well-established qualitative technique used in the social sciences (Berger 2016; Deacon et al 2007; Flick et al 2004; Yin 2016) and often used to understand media production practices (see for example, Billett 2010; Haltom and McCann 2004). The practice of interviewing is defined as ‘a conversation between a *researcher* (someone who wishes to gain information about a subject) and an *informant* (someone who presumably has information of interest on the subject)’ (Berger 2016:191, emphasis in original). Interviews bring the richness of individual experience to the dataset and provide insight other methods in isolation cannot provide (Berger 2016; Seidman 2006). There are concerns interview data can be problematic and there is debate as to whether the researcher should be concerned about *what* the informant says or *how* the informant says it (Berger 2016). This is further

complicated by the subjectivity of interviewee responses (Berger 2016; Flick et al 2004).

Informants sometimes tell the interviewer what they think the interviewer wants to hear and do not always tell the truth. Perhaps they remember things differently than as it happened, or they express themselves in different ways making it difficult to interpret meaning.

Informants may also not have useful information (Berger 2016). When interviewing, it is important to consider there is no one single truth and that it is the combination of many interviews and other sources of evidence that principally constructs social knowledge (Deacon et al 2007).

Interviewing techniques range from qualitative style (or conversational and unstructured) to a scripted structured and semi-structured style (Berger 2016; Yin 2016). Qualitative interviews are more prevalent in qualitative research and tend to ask open-ended questions. They follow research intentions but alter depending upon interview context and setting. Interviews can also be time-consuming and costly, so it is important to select and gain access to the right interviewees (Seidman 2006). Some scholars recommend ‘judgemental sampling’ determined by their involvement in the case (Robson 2002:265). In the example of a case study approach, interview selection is based on those actors involved in the case study, including saturation interviewing and snowballing techniques to ensure the appropriate people and number of interviews are conducted (see for example, Lester and Hutchins 2009).

In contrast to the conversational style of qualitative interviews, structured interviews tend to be surveys or polls asking closed-ended questions (Berger 2016; Deacon et al 2007; Yin 2016). Examples of media textual analysis and opinion polls or surveys include Ashlie Delshad and Leigh Raymond’s (2013) analysis of biofuel media framing impacts on public opinion and Federico Neresini and Andrea Lorenzet’s (2016) study of the relationship between media and public opinion regarding nuclear power in Italy. In some cases, scholars relied on historical studies claiming the influence of media on public opinion rather than

investigating the relationships in the context of their own research (see for example, Billett 2010). This allowed the researcher to focus on other aspects of the ‘circular’ approach. Polls and surveys were not conducted to inform this study as it was decided they would not provide appropriate data for the research question nor allow interesting lines of conversation to be followed.

From a media and communications perspective, focus groups are recommended as a technique for audience interpretation to ‘provide a snapshot of audience beliefs, attitudes and behaviour’ (Hansen and Machin 2013a:227). Use of group interviews or focus groups to uncover audience interpretations is rare in environmental discourse studies and no significant studies were found combining textual analysis with focus groups outcomes. Even though there was opportunity to provide a unique scholarly contribution by using this method, as public understanding of news media representation was not a research question, focus groups were not conducted as a part of this study.

3.3.4.1.1 Application of semi-structured interviews

Semi-structured interviews were used in this study to provide different perspectives on communication strategies by conflict actors and understand relationships between PEL and media and communication. Interviewees were asked to describe communication strategies during legal action, highlight notable events, articulate their interactions with journalists and reflect on communication effectiveness. Interview data was then used qualitatively to understand the news corpus and the influence of communication strategies.

Consistent with Lester and Hutchins (2009), a range of stakeholders involved in news reporting on PEL cases in scope were selected as interviewees and formally approached. This included campaigners, litigants, legal professionals, journalists, the proponent, politicians and industry bodies. Of these requests ten individuals agreed to be interviewed.

A list of interviewees is found in Appendix E. During this process the snowballing technique was applied, and interviewees asked if they thought anyone else would be interested in being interviewed. These leads were then followed up. Unless interviewees held significantly different roles in the organisation, participants from the same organisation were not interviewed to avoid duplication and saturation. Two interviews were conducted as part of another component of the Australian Research Council project 'Transnational Environmental Campaigns in the Australia-Asian region'. One interviewee was co-interviewed with Lynette McGaurr, researcher for the broader Australian Research Council project this research sits within, and another was solely conducted by Lynette McGaurr. Sharing interview responsibility and outcomes ensured the project did not badger interviewees.

Representatives from the environmental movement and legal actors dominate the interviewee list (nine out of ten interviews). Five environmental groups acting as litigants in PEL cases in scope were approached and three agreed to be interviewed. Three legal professionals who work for the environmental movement in these cases also agreed to be interviewed.

Representatives from the Sunrise Project, an organisation who helps co-ordinate and fund campaign activities to achieve large scale change, were also interviewed (The Sunrise Project 2019). Only one individual spoke on behalf of the coal industry, Michael Roche, ex Chief Executive of the Queensland Resources Council (2005-2016). As he was involved with the organisation during most of the PEL events in scope, his contribution was highly appropriate. Current representatives of the Queensland Resources Council as well as the New South Wales Minerals Council and the Minerals Council of Australia were also contacted. The New South Wales Minerals Council declined, and the others did not respond. The proponent, Adani, was also asked but after multiple approaches did not provide an answer.

A noted absence in the interviewee list is journalists. Reporters from *The Guardian*, the *Sydney Morning Herald*, *The Australian*, *The Courier Mail* and *ABC News* were approached.

Some initially agreed to be interviewed but then did not reply to follow ups. Only one journalist formally said they did not want to be involved. Having no journalistic or editorial perspectives limited this study and would have provided great insight into news production practices in today's media landscape. The Federal Minister of Environment, Josh Frydenberg was also approached to be involved. His office did not reply.

Ethics approval for interviews was gained from the University of Tasmania Ethics Committee (Ethics Ref No: H0014669) as a part of the Australian Research Council project 'Transnational Environmental Campaigns in the Australia Asia Region'. Interview questions were developed before the interview and provided to the interviewee. As per the semi-structured interview processes, the interview did not always stick to the questions and other issues were raised by interviewees. Two interviewees provided written answers to questions. All other interviews were either face to face or over the telephone. These were recorded and then transcribed. Transcriptions were sent back to the interviewee for approval. Three interviewees requested anonymity and approval for use of direct quotes. Quotes were provided to these participants, including the use of anonymous names, and approval gained via email prior to thesis submission.

3.3.4.2 Observation

Another approach to provide a 'circular' perspective on discourse is the ethnographic method of observation (Hannerz 2003; Hansen and Machin 2013a:60). In discourse analysis, observation combines with textual analysis and interviews (see for example, Davis 2007, 2009; Lester and Hutchins 2012). Research on the Tasmanian forestry conflict combined field observation of two environmental protest sites with content analysis of news and social media, in-depth interviews and historical analysis (Lester and Hutchins 2012). Results from content analysis were cross referenced with observational data, revealing results that may not have surfaced using just textual analysis. Lester and Hutchins used an immersive

approach, with ‘cultivation and maintenance of contacts and relationships’ occurring over a six-year period to ‘ensure meaningful access to the place of work and activism of environmentalists and political claims-makers’ (Lester and Hutchins 2012:851). This required significant time, effort and trust for success.

3.3.4.2.1 Application of observation

The use of observation as a method was not simple in this case study. The Adani conflict is ongoing and does not have a representative site, such as a consistent place of physical protest. The #StopAdani campaign, which centralised some campaign activities, only formally commenced in 2017 when PEL activity was largely exhausted. During the time period of the case study there were a number of organisations involved in the campaign and PEL but it was difficult to determine who was best to observe and how.

To overcome this complexity, observations of activists and community groups took place at the 2016 Beyond Coal and Gas Conference, 8-11 April 2016, Myuna Bay, New South Wales and the Beyond Coal and Gas Jamboree, 31 May-2 June 2018, Sunshine Coast, Queensland. Both of these events were organised by the Sunrise Project. Observation involved attending conference sessions, listening to group discussions and observing relationships between individuals. Rough notes were taken. To maintain an observer stance, I did not contribute to group discussions, stayed off site away from other conference participants and always identified myself as a university researcher. This maintained a form of distance from the conference participants.

Another potential site to observe was in the courtroom. Unfortunately, many significant legal events occurred prior to research design. Rather than observing legal action, the next best method for determining courtroom behaviour and discourse was to examine court transcripts and judgements (Haltom and McCann 2004). This approach was also limited as transcripts

were expensive. A request for a transcript of the *Australian Conservation Foundation case* hearing was quoted at \$3000. Based upon this quote, only freely available judgements were used.

3.3.4.3 *Information as objects: 'follow the object'*

To understand the influence of public relations and advocacy strategies on news content inspiration is drawn from Lash and Lury's (2007) 'follow the object' method. Scott Lash and Celia Lury's study of the 'mediatisation of things' in a global culture industry tracked the movement of objects. In this method, a piece of communication is considered an 'object', for example a press release. These communication objects can be traced as they flow through news media. For example, what components are retained, how they are framed and how meaning changes with time and distance. This allows an understanding of the public relations tactics used by conflict actors and how successful they are in gaining mediated visibility (Thompson 2005).

3.3.4.3.1 *Application of 'follow the object'*

To apply this method written public relations material communicating PEL during weeks of PEL events was collected. This included social media posts and press releases from Adani Australia, Queensland Resources Council, litigants and legal organisations. As the study focused on the news representation of PEL, tracing began with the news texts rather than the public relations material. When source quotes were used, the flow of these quotes from public relations material was manually traced. This also included tracing the flows of legal quotes back to legal documentation, particularly judgements. This information then fed back into the discourse analysis to understand the origin of language and source selection.

3.3.4.4 *Digital methods*

The final method applied in this study was digital methods. Digital methods are the ‘techniques for the study of societal change and cultural condition with online data’ (Rogers 2015:1). This method is increasingly used in media and communications research to understand the role of social media in society such as during emergencies, natural events and other social issues such as live events, regional practices and celebrity actions (see for example, Bruns et al 2014; Highfield et al 2013; Marwick and boyd 2011; Shaw et al 2013). From a social movements perspective, scholars have explored the interaction between physical protest and social media as well as online discourse and policy debate (see for example, Agarwal et al 2014; Bruns et al 2014; Croeser and Highfield 2014; Dalhberg-Grundberg et al 2016; Newman 2017; Theocharis et al 2015; Williams et al 2015).

Digital methods take advantage of social media platforms such as Twitter, Instagram and Facebook and search engines, such as Google Search, to gather and analyse ‘big data’ (Queensland University of Technology 2016). ‘Big data’ is the ability to collect and analyse extremely large quantities of information (boyd and Crawford 2012; Bruns et al 2014). Each time we use digital media technologies we leave a ‘trace’ and when large volumes of these traces are collected researchers can ‘observe and understand much more general developments in society’ (Queensland University of Technology 2016). Digital methods and the collection of ‘big data’ has limitations (boyd and Crawford 2012; Bruns et al 2014; Rogers 2015). The ability to self-publish diminishes information credibility and consequently internet data has a poor reputation. Data lacks permanence and this creates difficulties when collecting long-term data sets. Changing commercial arrangements with application programming interfaces (API’s) also frustrates data collection. For some scholars, these commercial relationships limit the ability to conduct research (boyd and

Crawford 2012; Bruns et al 2014). Dana boyd and Kate Crawford (2012) highlighted how the use of ‘big data’ in social science research does not necessarily mean the research is more objective. Collecting ‘big data’ just means lots of data and does not equate to good quality, credibly sourced data able to answer research questions.

Twitter is a popular choice for scholars to apply digital methods (Weller et al 2014). Some scholars have considered Twitter to be ‘banal’, a ‘shallow media’ favouring the ‘present, the popular and the ephemeral’ and not a place for public deliberation and debate (Rogers 2014:xv). Richard Rogers (2014) disagreed and argued changes to Twitter encouraging event following and on the ground ‘accounts’ made the platform suitable for understanding Castell’s network society (Rogers 2014:xiv). Rogers also highlighted the practical advantages of Twitter such as the ‘relative ease’ of collecting tweets and the ‘inbuilt means of analysis’ such as retweets and hashtags (Rogers 2014:xxi).

3.3.4.4.1 Application of digital methods

Digital methods were applied in concert with ‘follow the object’ and content analysis to determine the intersection between social and news media in the news media representation of PEL. A corpus of 1,608 Tweets from 26 August to 10 October 2016 containing the hashtag #Reefnotcoal was collected using Google TAGS to represent the social media conversation before, during and after the judgement announcement in the *Australian Conservation Foundation case* on 29 August 2016. Only one conversation was collected as real time data collection was required to gain free access to tweets.

The use of a hashtag as the basis for the conversation concentrates a sub-set of information on a particular event/s (Queensland University of Technology 2016). The #reefnotcoal was chosen from a high-level review of the most prominent hashtags used by the Australian Conservation Foundation and their followers. Restricting to one hashtag and not including

‘Adani’, ‘Carmichael’, or ‘coal’ may have limited the dataset and some relevant tweets may have been excluded. Using this hashtag also excluded activities organised by other non-government organisations in response to the judgement which occurred at the same time, such as Greenpeace and their use of #Savethereef. Despite these potential issues, this decision kept the dataset manageable without having to manually delete potentially hundreds of irrelevant tweets.

Tweets were analysed according to Queensland University of Technology digital methods guidelines to determine the highest tweets and then images were traced back to news media (Queensland University of Technology 2016). Outcomes were fed into the image analysis and the understanding of news production.

4 PUBLIC ENVIRONMENTAL LITIGATION, THE ADANI CONFLICT AND THE NEWS

4.1 Introduction

The first step to analyse how news media represent Public Environmental Litigation (PEL) during mediatized environmental conflict is to understand how the PEL news story is constructed. Research shows news outlets selectively cover both environmental issues and court cases (Anderson 2015; Solberg and Waltenburg 2014; Vining and Wilhelm 2010). How the public interprets legal decisions and their perception of courts is influenced by the language describing court cases and symbolic legal references (Clawson et al 2003; Gibson et al 2014; Solberg and Waltenburg 2014). From an environmental conflict perspective, discourse framing reinforces polarised positions but also opens opportunities for counter claims (Lewicki et al 2003; Schneider et al 2016; Worden et al 2014). This chapter aims to describe how news media respond when discourse on environmental issues and PEL court cases collide. By analysing media attention and the flow of language over time, the chapter argues PEL cases sustains media attention and ensures environmental campaigns remain in the news. In the case study, a surprise legal win by the campaign relatively early in the case study influences how PEL is described and the ongoing power dynamics between conflict actors.

4.2 An overview

4.2.1 Adani conflict news coverage

News coverage of PEL against the Adani mine was reported in context of the Adani conflict. The Adani corpus (Australian print texts accessed from NewsBank or Australian digital texts from a news outlet website based upon the search term ‘adani’ as described in Chapter Three) represents news coverage of the Adani conflict. The Adani conflict first appeared in Australian news in July 2010 when rumours began about Indian interest in the Galilee Basin and Adani secured the rights to assess the viability of new coal export infrastructure at Dudgeon Point near Mackay, Queensland (see for example, Grant-Taylor 13/7/2010). Before this time there were no reports in the Adani corpus of Adani associated with ‘coal’ and ‘Queensland’. Since July 2010 news reporting followed the Adani mine project and the campaign to stop it. Monthly text frequency of the Adani corpus from July 2010 to December 2017 is shown in Figure 4.1. demonstrating an increased level of news coverage over time and four news coverage peaks.

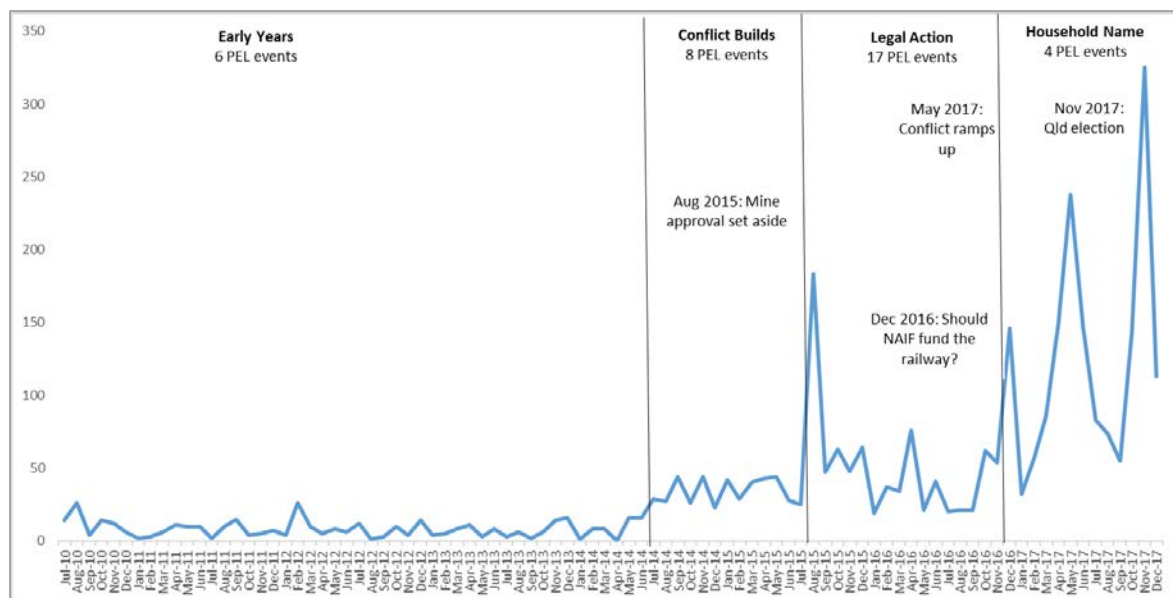


Figure 4.1 Adani corpus monthly text frequency

As shown in Figure 4.1 the analysis of Adani corpus text frequency revealed four news coverage phases of the Adani conflict. These were:

1. The *Early Years* phase (July 2010–June 2014) was characterised by low news attention of the Adani conflict (average eight texts per month in the Adani corpus) and no news coverage of PEL events. Significant news events in the Adani conflict during this phase were the Federal Government environmental approval of the expansion of Abbot Point Port in December 2013 and subsequent community outrage;
2. The *Conflict Builds* phase (July 2014–July 2015) was triggered by almost a doubling of the phase monthly frequency from June 2014 to July 2014 (16 texts to 29 texts per month in the Adani corpus), an increase of average phase monthly text frequency to 34 texts per month and the start of PEL media attention. Significant news events in this phase were the first Federal Government environmental approval of the mine in July 2014, changes to controversial sea dumping plans from the expansion of Abbot Point Port expansion in March 2015 and the November 2015 G20 Summit in Brisbane when Indian Prime Minister Modi visited Australia and investment agreements between Queensland and India were announced;
3. The *Legal Action* phase (August 2015–November 2016) was determined by the first significant monthly peak in the Adani corpus in August 2015 (182 texts), an increase in phase monthly average text frequency (51 texts per month) and the most PEL events of any phase (17 events). The August 2015 coverage peak was caused by legal action initiated by the Mackay Conservation Group (the *MCG case*) and the Federal Court order to set aside the mine’s Federal environmental approval due to the Federal Environment Minister’s lack of consideration of conservation advices for the vulnerable Yakka Skink and Ornamental Snake (as described in Chapter One). The mine was also given environmental approval and granted mining leases by the

Queensland Government in April 2016, just after a serious coral bleaching event on the Great Barrier Reef;

4. The *Household Name* phase (December 2016–December 2017) was characterised by the highest monthly text average (127 texts) and three of the four highest monthly peaks. The first phase peak occurred in December 2016 (146 texts) when discourse began to explore whether Australians should publicly fund the Adani railway through the Northern Australia Infrastructure Fund (NAIF). Coverage dipped and then peaked again in May 2017 when activities of the #StopAdani campaign (launched in March 2017) supported coverage. The highest peak across the entire Adani conflict occurred in November 2017 in response to the Queensland State Election.

The Adani conflict news phases demonstrate how news coverage has changed over time and the influence of events on peak coverage, including PEL events.

4.2.2 PEL newsworthiness

PEL events associated with the eight PEL cases in scope occurred between the *Conflict Builds* and *Household Name* phases (see Appendix D for event dates). Based upon the PEL sub-corpus (corpus constructed using texts found in the Adani corpus during weeks of PEL events mentioning PEL plus additional digital texts from news outlets in scope as explained in Chapter Three), all eight PEL cases, except two, received news coverage for at least one event type. This is shown in Table 4.1 which aggregates weekly PEL event news text frequency to a case and event level. The *MCG case* gained the most news coverage, followed by the *Land Court case* where Queensland-based environmental group Land Services of Coast and Country objected to the mine's approval on both environmental and economic grounds in the Queensland Land Court. The frequency of reporting per event for each phase is found in Appendix K through to Appendix N.

Table 4.1 PEL case and case event type news coverage in the PEL sub-corpus

Case Event	<i>ACF case</i>	<i>Land Court case</i>	<i>LSCC Supreme Court case</i>	<i>WRAD case</i>	<i>MCG case</i>	<i>ATSH case</i>	<i>NQCC case</i>	<i>MCG sea dumping case</i>	Total
Filing	14	0	4	0	5	1	0	0	24
Amendment	0	0	0	0	6 ²	0	NT ¹	NT	6
Directions hearing	2	5	0	3	0	0	0	NT	10
Hearing	5	28	3	1	0	0	0	0	37
Judgement/ Order	11	10	9	4	48	0	0	0	82
Costs	1	6	0	2	NC ³	NC	NC	NC	9
Appeal filing	5	NA ⁴	NA	NA	NA	NA	NA	NA	5
Appeal hearing	4								4
Appeal judgement	4								4
Total	46	49	16	10	59	1	0	0	181

1. NT = Not tracked indicates no legal records of these events are present or specific dates defined and hence news coverage not examined.

2. *MCG case* had two amendment events.

3. NC = no cost event found

4. NA = case did not go to appeal

As shown in Table 4.1, news coverage of the *MCG case* and the *Land Court case* was influenced by relatively high reporting for one case event each: the *MCG case* order (which caused the August 2015 peak news coverage) and the six-week *Land Court case* hearing.

When these two outliers were removed from the dataset, the *ACF case* attracted the most news coverage. The *ACF case* involved national environmental organisation the Australian Conservation Foundation challenging the Federal Environment Minister's approval based upon Australia's obligation to protect the Great Barrier Reef from climate change in the Federal Court. The *ACF case* was characterised by the highest number of case events (only case which went to appeal), coverage of all events bar amendments and the highest frequency for a filing event. News coverage of the *NQCC case* and the *MCG sea dumping case*, which both involved Queensland-based environmental groups opposing sea dumping of dredge material from the Abbot Point Port upgrade, was not present in the PEL sub-corpus. Both of these cases occurred early in the case study when Adani was not a legal party (see Section

4.3.1 for further discussion). Of all case event types, judgements generated the most news coverage, reflecting the time courts have an impact on the mine project. This is further discussed in later sections of this chapter describing news coverage of PEL events over time.

As well as frequency of reporting, the PEL sub-corpus was analysed for authorship to understand how news outlets resourced PEL. In this analysis 78 individual journalists authored texts in the PEL sub-corpus. Of these, 19% contributed three or more texts and 63% contributed one text. This is a substantial number of authors only engaged in one event, rather than the whole case or series of cases. Of those who contributed three or more texts (see Appendix O), none were dedicated court reporters and only one self-identified as an environmental reporter. Six authors included politics as a journalistic area while only three referred to the law or the court. News agency *Australian Associated Press* individually authored the most texts directly reporting on a PEL event (17 texts). This analysis demonstrated many news outlets did not have journalists to attend court and, when combined with the absence of specialty court reporters and the high number of authors, showed thin resourcing of PEL.

The exception to this finding was the local news outlet *Central Queensland News* who had three journalists significantly reporting on PEL (27 texts from three journalists, see Appendix O). Based upon news text content, such as court room quotes, photographs and stories of events outside the court, it was also likely that these journalists attended court (see for example, Egan 26/11/2016, 25/8/2017; Frost 8/4/2015). These news stories provided different perspectives and a more personal touch to court reporting compared to outlets who used *Australian Associated Press* texts. For example, during the first two weeks of the *Land Court case* hearing multiple news outlets relied on *Australian Associated Press* for texts and only changed the headline and image, including the *Sydney Morning Herald* and *The Australian* (*Australian Associated Press* 31/3/2015a, 31/3/2015b, 7/4/2015a, 7/4/2015b).

This created homogenised reporting across a number of outlets compared to the *Central Queensland News* coverage. The attention given to PEL by the *Central Queensland News* demonstrated PEL was newsworthy in the local community in which the legal action directly affected.

Thin resourcing of PEL from major news outlets and high media attention from local news outlets, sits alongside mixed observations of news media reporting on PEL by interviewees involved in this research (Anonymous, interview, X; Meadows, interview, 2018; Williams, interview, 2018). One interviewee from the environmental movement supported the newsworthiness of PEL and stated:

Well as I said, you can really guarantee that you will get media around a court case, whether it is announcing the court case, being in court, the court case finishing, the judgement, costs. It is kind of like a no brainer for media. I think that there is a still huge interest and respect for the court system, the judicial system in Australia, and the understanding that it is something that has real impact.

(Anonymous X, interview, 2018)

This interviewee also observed journalists attending court:

Key journalists turn up the first day of court, the press conference, the opening address, and be there when judgements come down. So it might not be that they read judgements or whatever, but it is more active than normal engagement with real events, I find, when there is court action on. (Anonymous X, interview, 2018)

At the same time as interviewees reflecting on journalists in court, they identified journalists were unable to dedicate time to court proceedings (Anonymous Y, interview, 2017; Anonymous X, interview, 2018; Meadows, interview, 2018) and also highlighted the importance of journalists attending court due to limited access to court transcripts, particularly in Queensland where the transcription service is privatised and costly (Anonymous Y, interview, 2017; Anonymous X, interview, 2018). Interviewee observations

of engaged journalists reporting on court activities contrasted with impressions journalists struggled to find time to be in court.

These mixed impressions contradicted the authorship analysis where only a few journalists were dedicated to court reporting. This may be influenced by the absence of journalists and media organisation representatives in the interview data. Observations were by the environmental movement, litigants and lawyers rather than lived journalistic experiences and may be impacted by interviewee perceptions of journalist engagement if the same few journalists were present at each event. For instance, a *Central Queensland News* journalist may be considered 'key' as described by Anonymous X, and, if so, interviewee evidence and authorship analysis were consistent. The results may also be influenced by the news outlets chosen for the corpus. For example, media monitoring for this research showed television news reported on PEL events. Interviewees may be referring to these more recognisable journalists in their observations.

4.2.3 The language of PEL

With the knowledge PEL gains media attention, it is also important to understand the language used to describe PEL and how news outlets interpreted court proceedings and conflict actor responses. Five frames describing PEL were identified using the approach defined in Chapter Three (see Appendix F through to Appendix J for frame language devices and text examples). These frames were:

1. The *court conflict* frame where PEL was positioned as a conflict between legal parties rather than the court as an independent place to mediate disputes. The frame placed the conflict in the court and drew upon battle metaphors, combatively communicated legal argument and evidence and interpreted court outcomes according to sides;

2. The *activist tactic* frame where PEL was positioned as a deliberate activist ploy in an ideological war against the coal industry. The frame drew upon the language of war, conflict and criminality. But rather than describe a battle in court between legal parties, this frame used these language devices to infer the law was being misused and moved discourse away from the merit of the case towards the actions of the litigants. Litigants were described as non-local activists who did not represent the views of regional Queenslanders. Cases were delegitimised and legal grounds trivialised to show they were a waste of time and resources. This perspective claimed activists caused delays in jobs and investment in regional areas which were desperate for economic growth. Legal delays were positioned as threats to industry, business and economic development. The only solution to the problem was to prevent activists from entering court and causing further delays. These characteristics placed PEL in a political space rather than the legal realm;
3. The *public right* frame where PEL was described as a democratic community right to uphold environmental law and protect the environment. Language positioned courts as independent rulers, mediators and decision makers. In contrast to the delegitimising, violent and criminal language devices used in the *activist tactic* frame, the *public right* frame was underpinned by the importance and reverence for law in a democratic civil society. PEL cases were not ‘gaming’ or ‘abusing’ the system, as described in the *activist tactic* frame, but were legitimate legal opportunities to stop the mine. The frame drew upon legal discourse to describe legal cases and court decisions in a measured tone combined with emotive language to describe actions under scrutiny, human connections with the environment and the mine’s environmental risks;

4. The *bureaucracy* frame where PEL was positioned as an unnecessary regulatory step in an already strict development approval process. The frame claimed the important project would overcome legal obstacles rather than be stopped. Governments were held responsible for bureaucratic processes and additional investment costs. A reduction in ‘red-tape’ was justified by the stringent, science-based, rigorous and lengthy approval processes already in place. The *bureaucracy* frame overlapped with the *activist tactic* frame language device ‘disrupt and delay’, but in this frame ‘delays’ would be overcome and not become an activist advantage;
5. The *criminality* frame where PEL was positioned as a test of environmental crime. To heighten the idea mining coal was a crime against nature, coal mining was compared to other morally wrong societal crimes.

Prior to delving deeper into how these frames flowed through time, language devices representing the frames were counted in PEL sub-corpus headlines (see Appendix F through to Appendix J for frame language devices and text examples). This analysis showed *court conflict* frame dominated news coverage (52%), followed by the *activist tactic* (27%), *public right* (13%), *bureaucracy* (7%) and *criminality* frames (1%).

In the PEL sub-corpus the *court conflict* was foremost in coverage as news outlets interpreted court decisions as either ‘wins’ or ‘losses’ (see for example, Schliebs 26/11/2016; Egan 25/8/2017). This view was combined with the most used language device in headlines: the term ‘challenge’ (35 headlines). Despite ‘challenge’ being used in litigant media statements (and hence could be interpreted as representing the *public right* frame, see for example, Australian Conservation Foundation 2015a; Mackay Conservation Group 2015a), in this case study the term was combative when placed alongside terms such as ‘battle’ and ‘bid’ and positioned the litigant as the provocateur.

The presence of the *activist tactic* frame in headlines was influenced by terms such as ‘activist’ and ‘green groups’ to describe litigants (11 times each). Headlines also emphasised the number of cases using terms such as ‘another’ or similar terms (11 times). The words ‘activist’, ‘green groups’ and ‘environmentalists’ are highly politicised terms in Australia and used to represent left anti-development political views. These texts alerted the reader to the ongoing nature of litigation by those working from the margins trying to create change.

The presence of language devices supporting the *public right* frame in headlines was influenced by the use of legal discourse to describe legal parties and cases and the term ‘conservation group’ was found 13 times in PEL sub-corpus headlines. ‘Conservation group’ is taken from the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) standing provisions and is found in litigant group names, including the Australian Conservation Foundation, the Mackay Conservation Group and the Indian Conservation Action Trust. The title ‘conservation group’ directly countered the idea of litigants as ‘activists’ and drew upon the connection with environment and community. The term ‘dismissed’ was also used by the court and found in eight headlines. This compared to the use of *court conflict* frame language devices, such as ‘win’ or similar terms (nine headlines) and ‘lost’ or similar terms (seven headlines). The term ‘dismissed’ was less combative and placed the decision in the hands of the court rather than in the field of war.

The *bureaucracy* frame was less observed in headlines but used by industry actors to vindicate wins, lament losses and pressure governments to make legal changes. There was evidence within the Adani corpus (but outside of the PEL sub-corpus) of the influence of the *bureaucracy* frame on PEL discourse. For example, in October 2016 (in between two PEL events) there was significant reporting on the cost of PEL to the economy, foreign funding of activists and the stalling of development (see for example, Kelly 29/10/2016; Shanahan 27/10/2016; Shanahan and McKenna 24/10/2016).

The final frame, *criminality*, was rarely present in headlines across the PEL sub-corpus and was only used by litigants. This frame linked illegality, drug dealing and murder with PEL and the laws pertaining to climate change.

To understand the flow of language over time, language device counts in headlines were broken down per PEL event. As shown in Figure 4.2., there were no headline counts in the Early Years phase as there was no news coverage of PEL events (note PEL events in later phases without news coverage are excluded from the graph).

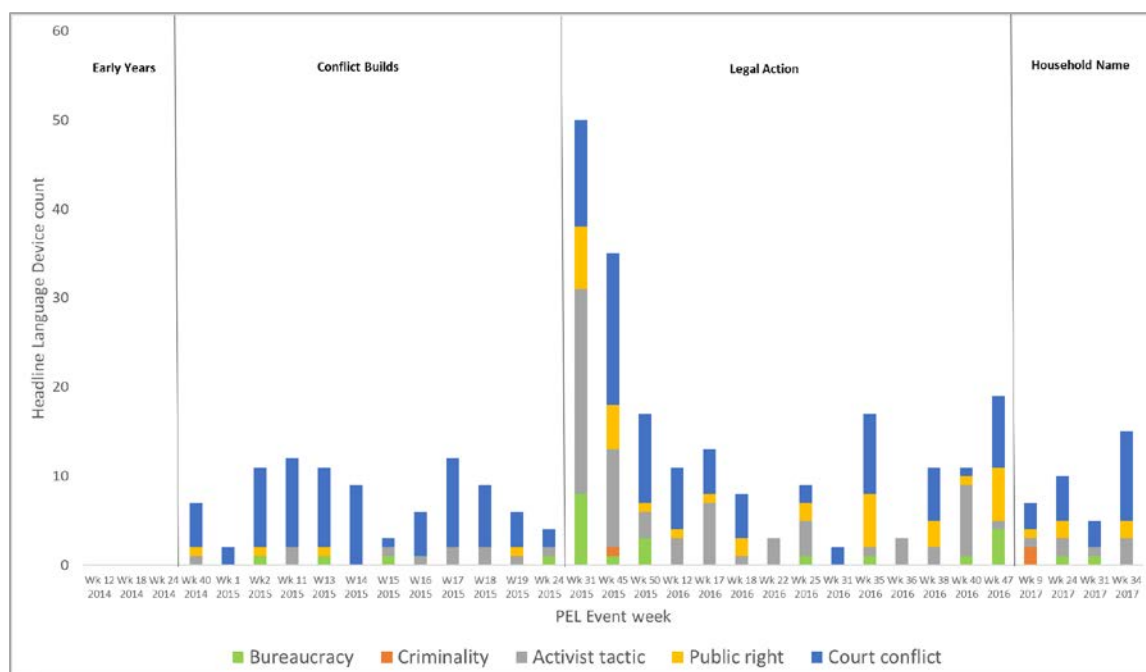


Figure 4.2 PEL sub-corpus headline language device counts

Headline language device counts began in the *Conflict Builds* phase, with *court conflict* dominating (76% of language device counts). In response to peak news coverage of the *MCG case* order, language device counts increased dramatically in 2015 Week 31. During this week *activist tactic*, *bureaucracy* and *public right* frames amplified in headlines and the relative presence of the *court conflict* frame decreased. *Activist tactic* language device counts tripled from 13% of language counts in the *Conflict Builds* phase to 46% of language device

counts during 2015 Week 31. The *public right* and *bureaucracy* frames also behaved in a similar manner, with *public right* language device counts increasing from 4% to 14% and the *bureaucracy* language device counts increasing from 6% to 16%. At the same time, the *court conflict* frame reduced significantly from the *Conflict Builds* phase to 24% during the *MCG case* order.

The influence of the *activist tactic* and *public right* frames continued beyond the *MCG case* order in the *Legal Action* phase as PEL against the mine intensified. The *ACF case* filing, the first PEL event after the *MCG case* order (2015 Week 45), was the only event in the PEL sub-corpus where headlines contained language devices representing all five frames. Across the phase, the struggle between the *activist tactic* frame (38% of phase counts) and the *public right* frame (14% of phase counts) suppressed the *court conflict* language devices to 41% of the phase count and *bureaucracy* language device counts reduced to 6%.

The *Household Name* phase saw the *court conflict* frame rise again in dominance (55% of phase counts) as court action wound down. The other four frames were more evenly spread than previous phases and the *criminality* frame increased to 7% of language device counts for the phase, almost as high as the *bureaucracy* frame (8% of counts for the phase). The *activist tactic* and *public right* frames continued their fight for presence (19% and 12% respectively). These changes in frames over time show the importance of the *MCG case* order on how future PEL events were described. This is further explored in the following sections.

4.3 PEL news coverage over time

4.3.1 The *Early Years* phase

During the *Early Years* phase of the Adani conflict there were no PEL sub-corpus texts reporting on the six PEL events (see Appendix K for news text frequency). Only three texts mentioned the act of PEL during PEL event weeks but did not directly name cases or litigants (see for example, Howells 8/5/2014). This was largely due to the nature of the legal cases during the phase which limited the connection between PEL and Adani. Two of the three PEL cases, the *NQCC case* and the *MCG sea dumping case*, involved local Queensland environmental groups challenging the Abbot Point Port plans to dump dredge from expansion works at Abbot Point Port near the Great Barrier Reef. In both these cases Adani was not a legal party as the plans were the responsibility of the North Queensland Bulk Port Authority and approved by the Federal Environment Minister. News coverage reflected this responsibility and Adani was not named (see for example, Arup 2014). As a result, these texts did not appear in the PEL sub-corpus as the search term ‘Adani’ was used to find texts. Responsibility changed post the 2015 Queensland State Election and Adani became a legal party for cases against the Abbot Point expansion in later phases. These texts were found in the PEL sub-corpus demonstrating the importance placed on legal parties by news outlets and the influence of the corpus search parameter on findings (see for example, *Australian Associated Press* 15/6/2017).

The findings related to the sea dumping cases cannot be applied to the remaining PEL event during the phase, the *Land Court case* filing, when in June 2014 the Queensland environmental group Land Services of Coast and Country filed an objection to Adani’s environmental approval in the Queensland Land Court based upon environmental and economic grounds. There were no texts in the PEL sub-corpus reporting on this event despite Adani named as a legal party. Lack of coverage was surprising considering the currency of

PEL and the Adani conflict at the time. Legal action had commenced against other Galilee coal mines and the Queensland Land Court had just handed down recommendations in the case against GVK Hancock's Alpha mine in April 2014 (*Hancock Coal Pty Ltd v Kelly & Ors and Department of Environment and Heritage Protection (No. 4)* [2014] QLC). The mine had also just received state approval a month earlier in May 2014 and mining industry body, the Queensland Resources Council, claimed activists would 'use every opportunity through the legal system to disrupt and delay this project just as they have with the Alpha project' (Howells 8/5/2014). Instead of reporting on the *Land Court case* filing, news reports during this week covered the Federal Government mine approval delays (see for example, *Central Queensland News* 18/6/2014). The Federal Government's role in the Abbot Point Port controversy made this story more newsworthy compared to the largely administrative act of filing. As a consequence, Adani was not connected with specific PEL action during the *Early Years*.

Though not influential due to news attention, the *Early Years* was significant in terms of introducing language to describe PEL. As discussed in Chapter One, the environmental movement's *Stopping the Australian Coal Boom* strategy was leaked to media in early 2012 and signalled the use of legal action against the coal industry. In the Adani corpus one text reported on the event and introduced 'activist', 'disrupt and delay' and 'vandalism' for the first time (McCarthy 7/3/2012). The text emphasised the role of foreign funding years before any PEL cases against Adani commenced. The term 'disrupt and delay' was taken directly from the environmental movement's strategy i.e. the environmental movement's own words (Hepburn et al 2011:6). The term 'vandalism' is associated with criminality and the deliberate destruction of private property. When used alongside each other, the language devices created ideas of 'activists' taking the law into their own hands and using the law for their own means and ends. The terms inferred litigants were knowingly using the rules in an

unfair manner. This was not illegal, but a moral and economic wrong. These discursive approaches introduced the *activist tactic* frame.

4.3.2 The *Conflict Builds* phase

Increased legal action against the Adani mine project during the *Conflict Builds* phase introduced the first texts directly reporting on PEL events into the PEL sub-corpus (see Appendix L for weekly PEL event text frequencies). All case events, except for two administrative events associated with the *MCG case*, gained media attention. Despite this coverage, PEL text frequency does not significantly impact coverage of the Adani conflict. In the Adani corpus, only an average of 18% of texts reported on PEL events during PEL event weeks and only during the *Land Court case* directions hearing (2014 Week 40) and the fifth week of the *Land Court case* hearing (2015 Week 17) was news coverage of PEL greater than 50% of the Adani corpus. Consistent with findings from the *Early Years* phase related to the *NQCC case* and the *MCG sea dumping case*, there was minimal news coverage of the *ATSH case* where local Queensland-based environmental group Alliance to Save Hinchinbrook initiated legal proceedings to stop Abbot Point Port dredge sea dumping.

The first of the six PEL events of the phase, the *Land Court case* directions hearing, gained news attention in October 2014 (W40) when the Indian conservation group Conservation Action Trust joined with Land Services of Coast and Country as objectors. The novelty of the first international environmental group taking legal action against an Australian-based project supported coverage (see for example, Milman 9/10/2014). This was not reflected in Indian corpus where no texts reported on the event.

A few months later, in early January 2015 (2015 Week Two), the Mackay Conservation Group filed for a judicial review of the Federal Environment Minister's decision to approve the mine (the *MCG case*). Filing received above average news attention for the week (see

Appendix M). Texts focused on the allegations the Federal Minister did not take into account the impact greenhouse gas emissions from the burning of coal would have on the Great Barrier Reef (see for example, Taylor 14/1/2015). The case was further amended in 2015 Week 11 to include allegations Adani had a poor overseas environmental record (see for example, Walhquist 18/3/2015).

In March 2015 the *Land Court case* hearing commenced and merit-based evidence related to environmental impacts and economic issues was heard in court over a six-week period (2015 Week 13 to 19). The hearing gained an average of four texts per week reporting directly on the event in the PEL sub-corpus. *Central Queensland News* was the highest contributor (43%) but only one Indian news outlet reported on the hearing (see for example, *The Statesman* 7/4/2015). Overall the *court conflict* frame was foremost in news reports of the *Land Court case* hearing and during hearing weeks all texts directly quoted court discourse and provided ongoing insight into court room action. In some circumstances, this heightened conflict by emphasising disagreement or expert witnesses conceding agreement with the opposing party (see for example, *Australian Associated Press* 7/4/2015b).

In the first two weeks of the hearing (2015 Week 13 and 14) evidence on the mine's impact on the endangered black throated finch, climate change and local water systems—including groundwater, the ecologically significant Doongmabulla Springs and the vulnerable waxy cabbage palm—was presented in court (see for example, *Australian Associated Press* 7/4/2015a; Frost 8/4/2015, 9/4/2015). News coverage during these weeks was above the average PEL weekly reporting rate for the phase (see Appendix L). Of note, text frequency and reporting diversity was influenced by the use of *Australian Associated Press* texts (*Australian Associated Press* 31/3/2015a, 31/3/2015b, 7/4/2015a, 7/4/2015b). In the case of the black throated finch and climate change, both sides of legal argument were presented and contributed to the dominance of *court conflict* language in headlines (82% and 100% of

language device counts, respectively). In contrast, evidence concerning local water system impacts did not attract the same level of news attention. Only two *Central Queensland News* texts, a daily digital and a weekly print text, were present in the PEL sub-corpus (Frost 9/4/2015; *Central Queensland News* 10/4/2015). Both of these texts made light of how a hydrogeologist can talk about ‘soil for a day’. The digital text extended coverage to include the legal counsel challenging expert evidence. When reviewed in comparison to the *Land Court case* judgement, these news texts did not reflect the disagreement between expert witnesses on the mine’s impact on groundwater. Only one Adani expert witness was found in coverage when there were multiple experts present arguing both sides of the legal case (*Land Services of Coast and Country Inc v Chief Executive, Department of Environmental and Heritage Protection & Anor* [2016] QSC 272). As a result, news coverage was selective and only reported on a moment in time.

PEL texts reporting directly on the *Land Court case* hearing in Weeks 15 and 16 were relatively low compared to other *Land Court case* hearing weeks (only one text per week). In Week 15 the *court conflict* frame decreased in headline counts to 33% as *The Courier Mail* ‘celebrate[ed]’ the mine’s pending approval (*The Courier Mail* 16/4/2015; McCarthy 17/4/2015). In Week 16 news coverage of the Association of Coast and Country Supreme Court case against GVK Hancock’s Galilee coal mine, the Alpha mine (the *Alpha case*) dominated the PEL sub-corpus, with the only *Land Court case* specific coverage in the *Central Queensland News* (emcbryde 17/4/2015). Legal action against Adani was mentioned in these texts as Land Services of Coast and Country was a common litigant across both cases (see for example, Robertson 22/4/2015).

Media attention and discourse significantly changed in Week 17 when surprising evidence was given before the court. Dr Jerome Fahrner, an Adani expert witness, revealed that the mine would not deliver 10,000 jobs, as identified in the Adani mine project Environmental

Impact Statement, and would only generate a net 1,434 jobs (see for example, Branco 28/4/2015). As a consequence, the majority of texts in the Adani corpus reported on the hearing (71% of weekly coverage) and nine texts in the PEL sub-corpus reported directly on the event, though reporting from news outlets was skewed by four texts from the *Central Queensland News* and no texts from three other media outlets. In news coverage, discourse moved from environmental impacts of the mine to economic and financial evidence (see for example, Robertson 1/5/2015). With this turn, there was also an observed change in power dynamics between the litigant and Adani. Even though the *court conflict* frame still dominated headlines (83%), texts moved from what was said during the *Land Court case* hearing to how evidence was given. Adani was portrayed as a poor courtroom performer, with Adani expert witnesses ridiculed to look defensive and confused. For example, the *Sydney Morning Herald* reported: 'Taking the stand on Friday was Adani Mining's financial controller Rajesh Gupta whose performance when cross-examined ranged from unconvincing to embarrassingly vague and forgetful' (West 28/4/2015). In another example, *The Guardian* used court room dialogue to show an Adani expert witness unable to answer a question (Robertson 1/5/2015). This was the first time in the PEL sub-corpus where expert witnesses and their testimonies were subjected to editorial interrogation.

Even with an expert witness providing evidence 10,000 jobs would not be generated by the mine, confusion was created in the PEL sub-corpus during Week 17 as news outlets continued publishing inflated job numbers. For example, the *Sydney Morning Herald* reported 'Flamboyant National MP George Christensen still says Galilee "will provide an estimated 28,000 jobs"' (West 2/5/2015). Christensen's job figure included the Adani mine and other Galilee mine proposals and therefore could not be directly compared with the *Land Court case* evidence nor subjected to court rigour. This reduced the power of the court-based evidence and showed the use of prominence to gain visibility for unvalidated claims.

The *Land Court case* paused hearing formal evidence the following week (2015 Week 18). News coverage continued in the PEL sub-corpus and *The Courier Mail* broke its silence on the jobs evidence by reporting on Adani's public defence of the 10,000 jobs figure (Fraser 4/5/2015). *The Australian* and *Australian Financial Review* continued to remain silent on the jobs evidence. This was significant selective or delayed coverage of evidence from three out of seven news outlets in scope and, when combined with inflated jobs numbers still presented in news, further reduced the power of the jobs evidence in the debate. Lack of coverage may also have reflected editorial decisions to wait until out of court statements from all conflict actors were available prior to publishing a story; as described by one environmental movement interview who observed news outlets only publishing Adani stories sourcing both sides of the conflict (Anonymous X, interview, 2018).

Other news outlets continued to mention the *Land Court case* during the break in proceedings in Week 18 and built upon the economic discourse of the previous week. A report from the Institute for Energy Economics and Financial Analysis questioned the mine's financial viability and gained coverage (see for example, McGrath 5/5/2015; Robertson 5/5/2015). Texts quoted Tim Buckley, the Institute's Director of Energy Finance Studies. He was also an expert witness for Land Services of Coast and Country in the *Land Court case* hearing in Week 17. Tim Buckley's transition from expert witness to expert source demonstrated how a lobby group can gain media attention based upon legal proceedings (see Chapter Five for more discussion). Environmental organisation, Greenpeace, also gained attention during Week 18 when they pressured United Kingdom financial institution, Standard Chartered, to publicly distance themselves from the project based upon evidence given in the *Land Court case* (see for example, Rankin 7/5/2015). This use of legal evidence across borders showed how transnational groups work in conjunction with legal mobilisation to increase campaign news coverage

News coverage in Week 18 finalised with a discursive turn towards the *activist tactic* frame when *The Sunday Mail* published a front-page story claiming ‘green activist’ and ‘serial litigant’ Derec Davies from Coast and Country had stalled more than \$20 billion of Queensland investment by launching legal cases against the Adani and Alpha mines (*The Courier Mail* 9/5/2015; McCarthy 9/5/2015). This was the first time a litigant was targeted in this manner and the attack moved discourse from the court room into the conflict zone. The news translation of jobs evidence was personal in Week 17 and power moved from Adani to the litigant. The *activist tactic* frame questioned the litigant’s legitimacy and attempted to move power back to Adani as a victim of unfair legal action.

The final week of the *Land Court case* hearing was in 2015 Week 19. The only news outlets to report on closing submissions were the *Central Queensland News* and *The Guardian* (Frost 14/5/2015; Robertson 14/5/2015). This gave news space for legal argument and court evidence to be repeated in news and conflict actors to position the court as the mediator.

Missing in news coverage of the *Land Court case* hearing were any reports on the impacts of burning coal on local Indian communities. Despite the fanfare concerning the Indian group Conservation Action Trust earlier in the phase, no texts explored the legal argument. This may be due to the Conservation Action Trust’s physical absence from the court. The group was a Level 1 objector and only provided a written court submission (*Land Services of Coast and Country Inc v Chief Executive, Department of Environmental and Heritage Protection & Anor [2016] QSC 272*). Without court presence, news outlets were not reminded of the group’s involvement in the case. This showed a link between legal argument strategy (i.e. what was the argument and who was giving evidence to support it) and news coverage as well as news outlets focusing on discrete events rather than a series of PEL events.

The final PEL event in the *Conflict Builds* phase occurred when the Mackay Conservation Group amended their case in June 2015 to include allegations the Federal Minister of Environment did not consider conservation advices related to the vulnerable Yakka Skink and Ornamental Snake when approving the mine. This was only reported in one text (Robertson 16/6/2015). The previous amendment relating to Adani's performance overseas gained greater coverage. From a news perspective, there was no warning of the controversy to come.

4.3.3 The *Legal Action* phase

The lack of controversy concerning PEL at the end of the *Conflict Builds* phase was juxtaposed by an explosion in PEL news coverage at the beginning of the *Legal Action* phase when news of the *MCG case* order began in early August 2015. News coverage of PEL events increased significantly during the phase (see Appendix M) and in the Adani corpus 48% of news coverage reported on PEL events during the weeks of PEL events. All case events, except for three, gained news coverage. Of these, one was related to the *MCG sea dumping case* of which the corpus search term had influenced corpus presence (as discussed in context of the *Early Years* phase). Five PEL events, including the *MCG case* order and three *ACF case* events, gained news coverage greater than 50% of the overall weekly Adani conflict coverage (based upon Adani corpus PEL texts).

4.3.3.1 The *MCG case order controversy*

The *MCG case* order (2015 Week 31) dramatically changed discourse on the Adani conflict and PEL compared to the *Conflict Years* phase. All texts in the Adani corpus for 2015 Week 31 mentioned the *MCG case* order and 67% of texts directly reported on the event. Five Indian news outlets reported on the case and it was the most cited case in the Indian corpus (27 texts). The *MCG case* order was the only PEL event in scope where media attention extended beyond the weekly news cycle and caused a monthly coverage peak (refer to Figure

4.1). For a month, the Adani conflict centred on the *MCG case* order and stakeholder responses.

When the order to invalidate the mine's approval was first reported in news during 2015 Week 31, texts initially downplayed the order using the *bureaucracy* frame, calling the order a 'technicality', 'legal loophole' and 'bureaucratic bungle' (*ABC News* 5/8/2015). These terms claimed the order was an administrative issue and not Adani's fault and were not observed during other PEL events. This view was countered by Ellen Roberts from the Mackay Conservation Group who drew upon *court conflict* and *public right* language devices when she declared 'victory' and highlighted how a small community group found the 'error in the decision-making process' (see for example, Cox 5/8/2015; Robertson and Milman 5/8/2015). Texts also drew upon the 'David versus Goliath' narrative by emphasising the size of the mine, Adani and the investment using terms such as 'conglomerate', 'mega-mine' and '\$16billion' (see for example, Ludlow 5/8/2015, 6/8/2015).

In response to the *public right* frame, the *activist tactic* frame gained visibility in news coverage in the days after the order was announced (see for example, McKenna and Elks 6/8/2015). The Mackay Conservation Group was described as 'green activists, living in inner-Brisbane', a 'fringe' group, 'obscure', 'a handful of protest groups' and a 'pawn to shut down the coal industry' (*The Courier Mail* 6/8/2015; Hasham 7/8/2015a; Ludlow 6/8/2015). The group was an outsider and non-representative due to organisational size, political motivations and funding sources (see for example, McCarthy 7/8/2015). Their legitimacy in the community was challenged by North Queensland Member of Parliament, George Christensen who asked, 'The green movement is out there saying, "we've done this on behalf of the community", but who in the community actually gave them the authority to go and act on their behalf?' (*ABC News* 6/8/2015). In terms of the *activist tactic* frame, the Mackay Conservation Group headquartered 600 kilometres from the mine was not local.

The Yakka Skink and Ornamental Snake, the two vulnerable species at the heart of the *MCG case* order, were also targeted by the *activist tactic* frame. Rather than consider the legality of protecting these animals, some news reports used the *activist tactic* frame to trivialise their size, habitat remoteness and lack of distinctiveness. Puns and metaphors such as ‘Don’t let greenies kick up a skink’ and ‘Risks abound with reptiles in the grass’ were observed in print headlines (*The Courier Mail* 6/8/2015; Kenny 6/8/2015). The skink and the snake morphed to symbolise activists. This approach was countered a few days later by a text reporting how environmental law protects all Australian plants and animals and can lead to positive environmental outcomes (Armitage 8/8/2015). Both of these perspectives were also observed visually in images of protected species, particularly cartoons circulated at the time, where the snake and skink took on the role of protesters and lawyers. This is further discussed in Chapter Six in the context of visualising PEL.

News coverage of the *MCG case* order continued to be encouraged a few days after the legal announcement when the Australian Prime Minister Tony Abbott (2013-2016) publicly commented on the order. He stated the decision was ‘tragic for the wider world’ and drew on the claim Australia has a moral obligation to export coal and help developing countries (see for example, *ABC News* 7/8/2015). Coverage intensified when a front-page article of the *Australian* quoted the Prime Minister using the *activist tactic* term ‘green sabotage’ (Shanahan and Gluyas 7/8/2015). The term ‘sabotage’ infers obstruction for political and/or military means and moves PEL language towards ideas of war, criminality and activist blaming. These claims from the Prime Minister also challenged the role of law in democracy and sparked responses from alternative legal actors. This changed the power dynamic and freed space for the *public right* frame in news. For example, the NSW Bar Association ‘chided’ the political attitude and was concerned ‘sabotage’ challenged the judiciary’s

independent democratic role and the separation of powers between the courts and politics (Hasham 7/8/2015b).

The Prime Minister's comments also re-energised the jobs controversy generated during the *Land Court case* hearing. In his public comments, he stated the mine would create '10,000 jobs in Queensland and elsewhere in our country' (Hasham 7/8/2015a). Initially this figure was taken as given but as the controversy deepened news outlets began to challenge this information. For example, on 14/8/2015 *ABC News* attached an Editor's Note to a text reporting on the order which stated: 'An earlier version of this story did not mention that opponents of the mine dispute the figures quoted by Tony Abbott on job creation and royalties' (*ABC News* 7/8/2015). Later in August the *Sydney Morning Herald* reported on the use of 'inflated numbers, distortions and blatant inaccuracies' by political elites and pointed out the discrepancy between Adani's public relations material and evidence given in the Land Court (Cox 20/8/2015). These examples demonstrated news media interaction with conflict actors as they supported the flow of legal evidence through time.

The second week of coverage (2015 Week 32) continued to introduce new *activist tactic* language devices. The Minister for Trade and Investment Andrew Robb (2013-2016) used the term 'lawfare' and implied it could impact Australia's trade relationship with India (Kerin 12/8/2015). In 2015 Week 32 'lawfare' was observed in six texts, with two of these combining 'sabotage' and 'lawfare' together (see for example, Maher 13/8/2015). The term 'lawfare' was derived from the linguistic combination of warfare and law. Traditionally the term referred to the legal system being weaponised and violence and law used together in the context of war (Jones 2016). The extension of 'lawfare' to 'green lawfare' took these ideas and placed them in an ideological war against fossil fuels and development. In this case study, activists were weaponising the law, not government, and they were using the law to hurt Australians economically. During Week 32 'lawfare' also provided opportunities for

counter claims using the *public right* frame and legal actors continued to question the use of the term ‘sabotage’ (see for example, Maher 14/8/2015; Schneiders 15/8/2015). *The Guardian* reported the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* had only stopped 2.2% of projects requiring approval since 2000, inferring ‘lawfare’ was an excessive response (Milman and Evershed 12/8/2015).

The third week of coverage (2015 Week 33) took a significant political turn when Federal Attorney General George Brandis announced the Federal Government proposal to restrict conservation group standing under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and, in doing so, introduced the *activist tactic* term ‘vigilante litigation’ (Peatling 16/8/2015). ‘Vigilante’ infers litigants were taking responsibility for law enforcement rather than regulators. The term was used across all news outlets during the week and observed in combination with ‘sabotage’ and ‘lawfare’ to deepen the sense of entrenched ideological warfare against the coal industry (see for example, Balogh 17/8/2015). In response, Greenpeace called the proposal ‘bizarre’ and argued current legal provisions already restricted community groups (Clarke 18/8/2015).

The *Stopping the Australian Coal Boom* strategy also re-surfaced in news media during Week 32 when Michael Roche, Queensland Resources Council Chief Executive Officer (2005-2016), brandished the document on a televised debate between himself and the NSW Environmental Defenders Office on the *ABC’s Lateline* (ABC Lateline 2015a). The document acted as a physical reminder of the activist campaign against the coal industry. In an interview for this research Roche stated:

I felt there was no constraint in simply positioning the litigation within the overall anti-coal strategies. In fact, quite deliberately calling out the filing of the latest appeal as being a part of the ‘Stopping the Australian Coal Export Boom’ strategies and we would refer the journalist to page 6 of the document.

There it is. This is just part of the tactics and it goes along with divestment strategy and everything else. (Roche, interview, 2017)

This tactic was observed beyond this event and in Queensland Resource Council media relations material, including references and weblinks to the strategy in Queensland Resources Council press releases (see for example, Queensland Resources Council nd). The environmental movement's strategy provided evidence of the tactic and, in a twist of fate, language supporting the *activist tactic* frame.

As introduced in Chapter One, the Federal Court also intervened in 2015 Week 33 and made a public statement correcting media coverage of the *MCG case* order. News reports inferred the Federal Court had made the decision regarding the order (Robertson and Milman 5/8/2015; *Central Queensland News* 5/8/2015). The Federal Court press release attempted to correct these to reflect the consensual nature of the order rather than the Court imposing a decision on parties. The Federal Court was concerned about accuracy, meaning and responsibility. From the Federal Court and legal perspective, the order was 'set aside' rather than 'overturned' or 'throw[n] out' as described by some headlines (Federal Court of Australia 2015a; Robertson and Milman 5/8/2015; *Central Queensland News* 5/8/2015). In Week 31 only an *ABC News* headline used the term 'set aside' (*ABC News* 5/8/2015). These differences in responsibility and the focus on *court conflict* in headlines can be explained by the scant information provided by the Federal Court order. The document had little detail on the cause or position of the legal parties on the matter. This was left to the conflict actors and news media to communicate. News texts reflected terms used by conflict actors in media statements such as 'revoke' and 'reject' (see for example, Australian Conservation Foundation 2015b, Mackay Conservation Group 2015d) and only the NSW Environmental Defenders Office explained the approval had been 'set aside' (NSW Environmental Defenders Office 2015). Lack of information from the Court was overcome through the use

of conflict actor responses who framed the decision in terms of the power of the law, heightening the *court conflict* frame but resulting in inaccuracy.

Despite the Federal Court's concern over news accuracy, their intervention did not cause significant disruption to discourse on the Adani conflict and PEL during Week 33. News focused on the Federal Government proposal to limit conservation group standing in court and the Federal Court's intervention was largely ignored. Only one text reported on the public statement in the Adani corpus (Riordan 19/8/2015). With subtle language differences and desire for a quick story turnaround, news outlets may have misinterpreted the actions of the Court, especially when the voice of the Court was absent on detail, conflict actors framed their response in terms of conflict and news values viewed legal issues through the *court conflict* frame. This potentially left the public thinking the Federal Court ruled on the *MCG case* rather than a consensual agreement from all legal parties. The concept of a consensual agreement to set aside the approval did not align with the *activist tactic* frame which was successfully deepened through the weekly roll out of 'sabotage', 'lawfare' and 'vigilante litigation' by prominent politicians. These colourful and dramatic terms drew directly on the 'metaphor of war' (rather than argument) to overcome the momentary power reversal caused by the surprise order and energised the *activist tactic* frame. This legitimised the use of other criminal terms such as 'vandals' and moved 'disrupt and delay' into the territory of war. In response, the Federal Court public statement was not considered newsworthy and the *activist tactic* frame prevailed.

The constant struggle between the *activist tactic* and *public right* frames during the *MCG case* order controversy was a double-edged sword for the campaign. One environmental movement interviewee highlighted how these 'attacks' took the campaign against the mine into a new direction and forced campaign attention to the defence of the right to take legal action (Anonymous X, interview, 2018). With only limited resources, this reduced the ability

to campaign against the mine during this time. The power gained in media from a surprise win was eroded and caused downstream effects not observed through the news media cycle. This interviewee's observation aligned with another legal actor interviewee who highlighted the risks associated with legal action and how a win in the courts may lead to legislative changes rather than long term environmental gains (Anonymous Y, interview, 2017). From Anonymous Y's perspective, this made news media reporting on legal action crucial to gaining public support for the case as the outcomes can become politicised and lead to changes in law.

4.3.3.2 Another case filed: the Reef was back in court

In response to the *MCG case* order invalidating the mine's environmental approval, the Federal Government re-approved the Adani mine in October 2015. This opened further legal opportunities and the Australian Conservation Foundation filed a case in November 2015 in the Federal Court to stop the mine (2015 Week 45). This case challenged the Federal environmental approval of the mine based upon Australia's obligation to protect the Great Barrier Reef from climate change. This was also a legal ground of the *MCG case* but remained untested in the Federal Court as the *MCG case* order was set aside due to legal requirements related to the vulnerable Yakka Skink and Ornamental Snake.

The *ACF case* filing generated the highest news coverage for a filing event (14 texts). All news outlets reported on the *ACF case* filing, except the *Australian Financial Review* (emcbryde 9/11/2015; McKenna 9/11/2015; Robertson 9/11/2015; Silva 9/11/2015; van Vonderen 9/11/2015; Williams 10/11/2015). *The Statesman* was the only Indian news outlet to cover the event (*The Statesman* 9/11/2015). The case gained additional news currency as the UN Climate Change Conference in Paris was only a month away and news media reported on Australia's international role and the connections with the Adani mine (see for example, Taylor 12/11/2015). Other anti-Adani campaign tactics during the week also

increased text frequency and two texts mentioned the *ACF case* in context of *ABC 730 Report* allegations of the Adani Australia Chief Executive involved in pollution events from a copper mine in Zambia (*Central Queensland News* 12/11/2015; McKenna 13/11/2015). This connection amplified the environmental campaign message ‘Do not trust Adani’.

When communicating the complex *ACF case* to the media, the Australia Conservation Foundation emphasised the novelty or ‘first time’ news values of the case (Meadows, interview 2018). This was reflected in news texts which described the case as ‘landmark’ and ‘historic’ and that it would test and strengthen environmental laws (see for example, van Vonderen 9/11/2015). The Australian Conservation Foundation also knew mine supporters ‘would paint this as greenies trying to delay and obstruct’ so made significant discursive moves to clarify their legal intent when filing the case (Meadows, interview, 2018). Texts reported the Australian Conservation Foundation ruling out vexatious and frivolous legal action and how they wanted to ‘stop the mine’, not just ‘disrupt and delay’ it (see for example, Robertson 9/11/2015; Silva 9/11/2015). To develop connection and trust with the public, the group promoted their nationally respected brand and long-standing environmental conservation history (see for example, *Australian Associated Press* 10/11/2015). The case was placed in the context of the *Tasmanian Dam case* and the Great Barrier Reef—both iconic events and places—to rebuke claims the Australian Conservation Foundation were ‘out of towners’ and to create a sense of deep entrenchment in environmental protection in Australia (see for example, Robertson 9/11/2015).

Even with these communication tactics, the *activist tactic* frame remained strong in headlines during the week of *ACF case* filing. *Activist tactic* language device counts in headlines were the second highest behind *court conflict* for the week (31%), with *public right* language counts 14%. This was influenced by two news outlets, *The Australian* and *The Courier Mail*, who published the most texts on the event emphasising *activist tactic* perspectives (four texts

and three texts respectively). Reminiscent of the *MCG case* order controversy, the *Stopping Australian Coal Boom* strategy continued to be referenced (McKenna 9/11/2015; McKenna and Maher 10/11/2015; Robertson 9/11/2015). ‘Lawfare’ was extended to ‘guerrilla lawfare’ and cases were described as a ‘wave of litigation’ (McKenna and Maher 10/11/2015; Robertson 9/11/2015). A *Courier Mail* editorial stated: ‘enough is enough’ (*The Courier Mail* 10/11/2015) and an Adani spokesperson reinforced the ‘endless’ nature of litigation (Robertson 9/11/2015). Funding sources for legal action were challenged and an *Australian* editorial accused both the Australian Conservation Foundation and the Lock the Gate Alliance, an Australian environmental group campaigning against fracking, of ‘purposely set[ting] out to harm other Australians’ (Johns 19/11/2015).

Mine supporters continued to delegitimise the legal cases by attacking the *ACF case* legal grounds, including calling the case ‘nonsense’, ‘pointless’ and ‘frivolous’ (van Vonderen 9/11/2015, Roe and Tatham 10/11/2015). The connection between coal, climate change and the Great Barrier Reef was not denied but the legal argument for Australia to take responsibility for emissions was made to look silly by comparing it to Saudi Arabia not taking responsibility for fuel combusted in Australian cars (van Vonderen 9/11/2015). The trivialisation of the skink and snake during the *MCG case* order was extended to the black throated finch, including in an *Australian* opinion piece describing the case as a ‘ridiculous’ legal opportunity which favoured the ‘welfare of a God-forsaken bird’ over ‘welfare of millions’ (Merritt 10/11/2015). *The Courier Mail* added the finch to a list of protected species stopping the mine (*The Courier Mail* 10/11/2015). In these texts, the finch was arsenal in the battle against PEL and stood alongside the skink and snake as ‘little’ animals stopping big investment. Between the *Land Court case* hearing and the *ACF case* filing, the black throated finch moved from the news pages to the opinion pages and, as this occurred, the finch transformed to a symbol of activism and the *activist tactic* frame.

As well as the continued struggle between the *activist tactic* and *public right* frames, news coverage of the *ACF case* filing introduced the *criminality* frame in both headlines and text. *The Guardian* used the term ‘illegal’ to describe the grounds of the case, the only time in the PEL sub-corpus where ‘illegal’ was used in the context of PEL (Robertson 9/11/2015). The term was only found in other Adani corpus texts when applied to socially acceptable definitions of illegality, such as trespass and pollution (see for example, Davies 19/9/2015). These acts were easier to associate with criminality as they caused environmental, social or economic harm. An ‘error in law’, such as the Minister not considering climate change impacts on the Great Barrier Reef, was administrative and more difficult to define in terms of harm and criminality.

Media attention to the *ACF case* during filing was not sustained and the *ACF case* directions hearing the following week (2015 Week 46) gained below average coverage. This was likely due to the lack of novelty or surprise that Adani would be a party to the case as well as the news the Government was re-invigorating the push to amend the *Environment Protection and Biodiversity Conservation Act* (see for example, Taylor 18/11/2015). The latter was reminiscent of discourse created by the *MCG case* order, but news coverage had dampened significantly.

4.3.3.3 *The Land Court speaks*

The *Land Court case* re-entered news in December 2015 when the Court President recommended the mine’s approval with additional conditions to protect the black throated finch (nine texts). All Australian corpus news outlets and one Indian news outlet covered the decision. News headlines emphasised the *bureaucracy* frame during the week (18% of headline language device counts) and created a sense of approval inevitability through terms such as a ‘step closer’ and a ‘clear[ed] hurdle’ (*The Courier Mail* 16/12/2015; Ludlow 15/12/2015). News reports highlighted the number of strict conditions already in place to

protect the finch and regulate the mine using terms such as ‘tightened’, ‘stricter’ and/or ‘additional’ (six texts). *The Courier Mail* reported how these conditions added to ‘the 59 already imposed to protect the threatened black throated finch’ but provided no context of what the conditions were or how they improved environmental values (*The Courier Mail* 16/12/2015).

Adani also used the *bureaucracy* frame to justify the win and the rigour of Australian law, including references to the long approval times and use of science (see for example, *Central Queensland News* 15/12/2015). This was in contrast to how the frame was used to justify Adani’s loss during the *MCG case* order controversy, where the law was merely a short-term impediment to approval. The Queensland Resources Council continued to use the *activist tactic* frame and called Land Services of Coast and Country ‘serial abusers’ and ‘inner city green activists’ (McKenna 15/12/2015). Adani stated legal actions were ‘politically motivated, activist-driven legal challenges’ (McKenna 15/12/2015). In this circumstance, the *bureaucracy* and *activist tactic* frames worked together to justify the legal win and moved discourse away from the environmental movement’s claims that ‘Adani cannot be trusted’ to ‘Australia’s laws and approval processes *can* be trusted’. These claims were countered by the *public right* frame in some texts, particularly in how additional finch conditions improved environmental protection and decision-making transparency (see for example, Robertson 15/12/2015).

Consistent with the *ACF case* filing, news attention for the *Land Court case* judgement was fostered by news currency concerning climate change and the December 2015 Paris climate change agreement. Texts reporting directly on the case provided international context using the voice of litigant Derec Davies as well as showed the disparity between Australian laws and international policy (see for example, Keany 13/12/2015; McKenna 15/12/2015).

However, when describing the case, news outlets rarely considered both sides of the climate

change legal argument given in court and outlined in the legal judgement. *The Guardian* was the only news outlet which drew deeply on the written judgement to explain opposing legal arguments (Robertson 15/12/2015). *The Australian* and *Australian Financial Review* only mentioned Adani's market demand climate change argument accepted by the Court President – that if Australia did not export the coal, another country would and global emissions would remain constant (McKenna 15/12/2015, Ludlow 15/12/2015). In the same week, the *Australian Financial Review* belittled the Land Court's role testing the 'accepted legal wisdom' regarding climate change law and called the Court 'the little old land court' (Stevens 17/12/2015). This was the only time the diminished power of the Land Court compared to other Australian courts was mentioned in news. The Queensland Land Court can only make legal recommendations to the Minister to stop the mine; unlike the Federal Court which can invalidate the mine's approval and hence legally stop the mine.

Coverage on the *Land Court case* judgement was not significantly sustained beyond the 24-hour news cycle, with only an opinion piece and Letters to the Editor providing additional coverage post judgement day (*The Australian* 17/12/2015; Stevens 17/12/2015). The controversy over jobs evidence and whether the mine would deliver 10,000 jobs, as observed during the *Land Court case* hearing, was not repeated in judgement coverage. Even though the Court President agreed Adani overstated the employment benefits, only three outlets mentioned the issue (see for example, Cox 16/12/2015). Texts continued to quote Adani stating the mine will generate 10,000 indirect and direct jobs (see for example, *Central Queensland News* 15/12/2015).

The *Land Court case* recommendation was followed by the *Land Court case* costs order in late March 2016 (2016 Week 12). News coverage was greater than phase average and was the highest covered cost order event (see Table 4.1). Multiple texts from *The Australian* and *Central Queensland News* contributed to coverage (50% of texts in the PEL sub-corpus).

The *Land Court case* costs order brought a discursive turn as the judge denied Adani's request for Land Services of Coast and Country to pay for legal costs based upon lack of jurisdiction. With the ramifications of paying legal costs high for environmental groups, not paying costs could be perceived as a litigant win. In response, the *public right* frame was visible and Sean Ryan, Queensland Environmental Defenders Office solicitor representing Land Services of Coast and Country, stated: 'The Land Court decision sends a message that well-resourced companies can no longer threaten with costs to intimidate community groups to remain silent' (Queensland Environmental Defenders Office 2016; see for example, *Australian Associated Press* 23/3/2016). Even though this cost order decision was founded upon legal jurisdiction, Ryan emphasised a community win thus supporting greater news attention and space for the *public right* frame.

4.3.3.4 Another case filed: Coast and Country returns

Land Services of Coast and Country continued their legal battle against the mine after losing in the Land Court and in April 2016 filed a judicial review of whether the Queensland Environment Minister had failed to consider sections of the *Environmental Protection Act 1994 (Qld)* in the Queensland Supreme Court. Continued PEL by the same litigant encouraged the *activist tactic* frame (54% of headline language device counts in 2016 Week 17) and *The Courier Mail* called the litigant a 'green activist' and reported on the 'endless' cases (McCarthy 28/4/2016; *The Courier Mail* 28/4/2016; Viellaris 25/4/2016b). Two days prior to the *LSCC Supreme Court case* filing, *The Courier Mail* published a front-page interview with Federal Environment Minister Greg Hunt on his 'push to curb "sabotage" lawsuits' (Viellaris 25/4/2016a). This was followed by an editorial headlined, 'We must change laws to stop legal vandals' which described PEL as 'exploited as a weapon aimed at causing maximum damage and inconvenience to an opponent' (*The Courier Mail* 28/4/2016).

Rather than news coverage on the case, news coverage focused on the act of PEL. The litigious nature of Land Services of Coast and Country gave the *activist tactic* frame a target.

4.3.3.5 *The ACF case heard: the Reef in court*

The next PEL event in the *Legal Action* phase, the *ACF case* hearing, occurred in May 2016 and only a week after Land Services of Coast and Country filed their latest case as discussed previously. The hearing only lasted a few days but received greater coverage during the week compared to the weekly average during the *Land Court case* hearing (see Appendix M). Two news outlets reported more than once on the hearing, but three news outlets did not report on the event at all. Consistent with hearings, *court conflict* language was foremost in headlines (63%). Though in this circumstance, *public right* language device counts were higher than average due to an emphasis on the case testing climate change laws (25%). Texts reported on climate change evidence given before the court and continued to connect the recent Paris climate change agreement to legal action (see for example, Frost 3/5/2016; Slezak 6/5/2016).

The *ACF case* also re-emerged in news in April 2016, a month prior to the *ACF case* hearing, in response to the Australian Conservation Foundation taking journalists to the Reef for a media tour post news of serious bleaching on the Great Barrier Reef (Meadows, interview, 2018). This generated news coverage in the Adani corpus connecting the *ACF case*, health of the Reef and the mine in the lead up to the hearing (see for example, Slezak 10/4/2016). This is further discussed in context of sources and conflict actor communication strategies in Chapter Five.

4.3.3.6 *A community group files another case*

Four weeks after the *ACF case* hearing in late June 2016 (2016 Week 22), the Queensland coastal environmental group Whitsunday Residents Against Dumping filed their case against the Queensland Department of Environment and Heritage Protection concerning the expansion of Abbot Point Port (the *WRAD case*). The *WRAD case* filing received no news coverage. Case filing coincided with an exclusive interview in *The Australian* with Adani Chair Gautam Adani raising concerns over the impact of legal action on the project (but not specific cases) (McKenna 4/6/2016; McKenna and Maher 4/6/2016). This resulted in headline counts during this week only containing *activist tactic* language devices.

A few weeks later, the *WRAD case* directions hearing (2016 Week 24) gained news attention from multiple news outlet (three texts). This event re-framed the litigant as ‘local’ when *ABC News* described the group as a ‘north Queensland residents’ rather than a conservation, environmental or activist group (Clark 24/6/2016). The *WRAD case* directions hearing occurred in the same week as the *LSCC Supreme Court case* directions hearing which gained no coverage. It is unclear why one directions hearing gained visibility but the not the other. The *LSCC Supreme Court case* hearing five weeks later (2016 Week 31) also has minimal coverage and headlines only contained *court conflict* language devices.

4.3.3.7 *ACF case dismissed*

The *ACF case* returned to the news in late August 2016 when the Federal Court dismissed the case after just over three months of deliberation (2016 Week 35). In response to the decision, news coverage increased to above average phase PEL reporting levels. All Australian news outlets and four Indian outlets report directly on the event. *Public right* language device contribution was the highest for any PEL event during the week (35% of counts). The Federal Court’s decision was described in terms of the legal judgement, including conflict actor responses to the decision and whether Australian law should account for carbon emitted

in India from Australian coal (see for example, Hannam 29/8/2016; Schliebs 29/8/2016). In defeat, the Australian Conservation Foundation claimed environmental laws were ‘broken’ and ‘weak’ and needed to change to protect the Great Barrier Reef (Robertson 29/8/2016). They called for the Federal Environment Minister to revoke the Federal approval and in doing so moved legal discourse into the political sphere (see for example, Egan 29/8/2016; Robertson 29/8/2016). *Activist tactic* language device count in headlines were low during this week (6%) despite news texts beginning to count cases and Adani legal wins (see for example, McCarthy 30/8/2016). Adani drew directly on *activist tactic* and *bureaucracy* frames in response to the dismissal (see for example, Hannam 29/8/2016). Coverage was extended during the week by a public protest organised by the Australian Conservation Foundation and public comments from Federal Member of Parliament George Christensen (see for example, Christensen 1/9/2016; Honnery 30/8/2016).

A surprising element to coverage during the week was the contrasting way different news outlets described the *ACF case*. Despite the legal arguments centring on Australia’s international obligations to protect the Great Barrier Reef from climate change, *The Australian’s* ‘Bid to halt Adani’s Carmichael coal mine fails’ notably emitted the terms ‘Great Barrier Reef’, ‘climate change’, ‘global warming’, or ‘greenhouse gas emissions’ to describe the case (Schliebs 29/8/2016). Instead the text described the case as challenging the ‘impact to the environment from burning coal’ (Schliebs 29/8/2016). This compared to a *Sydney Morning Herald* text headlined ‘Australian Conservation Foundation loses Federal Court case on Adani coal’, which drew a clear connection between climate change and the recent coral bleaching of the Great Barrier Reef, including scientific evidence and video footage (Hannam 29/8/2016). The 52-page written case judgement mentioned ‘reef’ and/or ‘Reef’ 78 times, ‘climate change’ 34 times and ‘greenhouse gas’ 32 times showing the importance of these terms to legal discourse (*Australian Conservation Foundation*

Incorporated v Minister for the Environment [2016] FCA 1042). The news media translation of the case, the choice of words and absence of others, either enhanced the connection between the mine and the Great Barrier Reef or removed it entirely. This influenced the presence of the *public right* frame and how the public interpreted the mine's environmental risks.

The *ACF case* dismissal was followed by the *ACF case* costs order the following week (2016 Week 36). Only *The Courier Mail* directly reported on the event (McCarthy 9/9/2016). The judge ordered the Australian Conservation Foundation to pay 40% of Adani's costs and 70% of the Government's costs. According to a blog by Australian Conservation Foundation General Counsel, Elizabeth McKinnon, only paying a percentage of costs was a 'rare and significant departure from the usual' and acknowledged the litigant's 'credibility, representation of the Australian public and the public interest' (McKinnon 2016). This *public right* perspective was missing from *The Courier Mail's* coverage and the headline called the case a 'folly' (McCarthy 9/9/2016). This was consistent with the term 'nonsense' and observed when cases were dismissed, and cost orders favoured Adani. The court's decision repudiated the actions of activists and placed Adani in the legal right.

News coverage returned two weeks later (2016 Week 38) when the Australian Conservation Foundation announced they would appeal the decision. The Australian Conservation Foundation continued to use the *criminality* frame and called the mine's approval 'a licence to kill' (Robertson 19/9/2016). Rather than illegality or drug dealing, the Australian Conservation Foundation compared building a coalmine to murder. This quote was midst language describing the mine and its impacts as 'massive', 'wrecking' and 'mega-polluting' (Robertson 19/9/2016). These emotive words of destruction questioned the lawfulness of the mine and the associated environmental harm. The news of appeal was countered by the story Adani was scaling back its Carmichael mine investment; emphasising the economic

contribution of the mine and PEL delay tactics, rather than criminality of the mine (see for example, Stevens 21/9/2016; *The Courier Mail* 23/9/2016).

4.3.3.8 *WRAD case hearing versus activist lawfare*

The *WRAD case* continued in the Queensland Supreme Court in October 2016 (2016 week 40). However, consistent with previous low coverage of the *WRAD case*, the hearing was under reported compared to other hearings in scope (one text compared to five for the *ACF case* hearing and three for the *LSCC Supreme Court case* hearing). Even without significant coverage of the *WRAD case* hearing, news texts mentioning PEL were observed and the *activist tactic* count in headlines was significant (73%). This result was influenced by coverage of Federal Minister of Resources and Northern Australia and North Queensland Member of Parliament Matthew Canavan a few days prior to the *WRAD case* hearing. He publicly spoke about activist lawfare and claimed the green movement were ‘presenting figureheads as representatives of the local community’ (*Australian Associated Press* 5/10/2016; Viellaris 6/10/2016). *The Sunday Mail* also had a front-page story connecting PEL and lack of economic growth in the same week (Passmore 2/10/2016a). Activists were described as ‘well-coordinated’ ‘cashed up’ ‘out of towners’ (Passmore 2/10/2016a; 2/10/2016b). It is not clear why there was low coverage of the hearing as the event would have provided evidence of further activist lawfare. The judicial hearing was short and technical so news media may have had difficulty translating legal discourse into news.

4.3.3.9 *Another dismissal*

The final PEL event in the *Legal Action* phase was the *LSCC Supreme Court case* dismissal in November 2016 (2016 Week 47). As with other judgements, news coverage was above phase average frequency (see Appendix M). Newsworthiness was heightened by the dismissal of a Wangan and Jagalingou native title case in the same week (see for example, McCarthy 26/11/2016). The Queensland Resources Council also gained media visibility

when they highlighted the cost of PEL through the *bureaucracy* frame (see for example, *Australian Associated Press* 25/11/2016; Ludlow 25/11/2016). Court actions were described as a ‘hurdle’ and activists should just ‘get out of the way’ (see for example, *Australian Associated Press* 25/11/2016). The impact of court action on business was further amplified when news outlets reported on Business Council of Australia recommendations to change the approval system to reduce lengthy delays, investment costs and cut ‘red-tape’ (Hepworth 25/11/2016). This increased the *bureaucracy* language device count to four during this week, the second highest count behind the *MCG case* order. The *public right* frame was also relatively high during this week due to the use of the term ‘dismissal’ in headlines (four counts).

4.3.4 The *Household Name* phase

With legal cases coming to an end, limited future opportunities for legal action and the #StopAdani campaign ramping up, PEL news coverage in the *Household Name* phase was less influential compared to the *Legal Action* phase. No PEL events created news coverage peaks and only 7% of Adani corpus texts reported on PEL events during PEL event weeks. A discursive turn towards economic issues in December 2016 caused the *Land Court case* jobs evidence to re-surface in news as anti-mine campaigners, including those who acted as expert witnesses in the *Land Court case* hearing, countered public messages from mine supporters spruiking mine benefits (see for example, Burke and Clark 3/12/2016; Corbett 6/12/2016; O’Brien and Mellor 5/12/2016; Oquist 6/12/2016). The Prime Minister Malcolm Turnbull re-ignited the debate in April 2017 when he stated the mine would deliver ‘tens of thousands of jobs’ and expert witnesses once again rebuked the figures (see for example, Crowe 12/4/2017).

The first PEL case for the phase, the *ACF case* appeal hearing (2017 Week Nine), gained coverage comparable to the *Land Court case* hearing weekly average (four texts in the PEL

sub-corpus) and the *ACF case* hearing (five texts in the PEL sub-corpus). This demonstrated relatively consistent news coverage of hearings even as the Adani conflict increased in news values. For the first time in the PEL sub-corpus the *criminality* frame was influential in headlines (29% of language device counts). New outlets referenced the Australian Conservation Foundation's 'drug dealer defence' argument in headlines, such as 'Greenies mine "drug" defence on Adani coal' (Egan 3/3/2017a, 3/3/2017b). The 'drug dealer defence' was briefly mentioned during the *Land Court case* judgement in December 2015 but was not significant in texts until this hearing (Robertson 15/12/2015). Litigants used the 'drug dealer defence' to negatively label the market demand argument that another country would supply coal if Australia did not and therefore global carbon emissions would not change. Comparing drug dealing, an illegal activity, with the coal industry inferred supplying coal was bad for society. It was an inflammatory tactic challenging coal's social acceptance and moved the activist criminal label to the coal industry.

In response to the rise of the *criminality* frame, *activist tactic* and *public rights* frames diminished during the *ACF case* hearing. This was influenced by the absence of Adani or Queensland Resources Council sources used in texts. Silence from these actors gave space to the Australian Conservation Foundation and their *criminality* frame. Further discussion on when sources choose to make public comments during different legal stages is discussed in Chapter Five.

The Queensland Supreme Court dismissed the *WRAD case* three months after the *ACF case* appeal hearing in June 2017 (2017 Week 24) and gained the highest PEL coverage for the phase. However, when compared to coverage of other judgements in previous phases, attention was relatively low. With another coral bleaching event in early 2017 and further losses in court, language used by the litigant in response to the decision became more emotive compared to other cases. For example, Whitsunday Residents Against Dumping

spokesperson Sandra Williams stated, ‘With coral dying before our very eyes, Adani is still seeking to open up the biggest coal mine in Australia's history which risks being a nail in the coffin for the Great Barrier Reef’ (Godwin 15/6/2017). This example used metaphors of death to highlight the dichotomy the public were seeing; on one hand there were images of the Reef dying, while on the other, court decisions reinforced the social norms of coal.

Of note, re-framing of litigants away from the *activist tactic* ‘outsider’ label was also more evident during the *WRAD case* dismissal. Williams was introduced as a ‘former tourism worker, grandmother, and a passionate supporter of protecting the Reef’ (Godwin 15/6/2017). These terms introduced the *public right* frame through ideas of locality, community and the human face. The importance of re-framing as ‘local’ in context of public opinion and court action was raised by Anonymous X in an interview for this research. Anonymous X commented the environmental movement was cognisant of the ‘issue of “local impacted” versus “groups from down south”’ and would ‘first try and choose litigants who are local and can talk from the heart about their local communities’ (Anonymous X, interview, 2018). From this perspective, Whitsunday Residents Against Dumping represented a clear strategy to counter the *activist tactic* frame and gained credibility through locality. Despite this position, the *activist tactic* frame was never far away and a *Courier Mail* text combined opposing litigant labels with a cartoon of Sandra Williams² when they began a text with ‘Activist Sandra Williams (illustrated), a grandmother and former tourism worker’ (Marx 4/8/2017). In an interview for this research Sandra Williams described how the group was ‘portrayed as a bunch of hicks’ in the text and how the cartoon depicted her with a ‘grumpy’ face (William, interview, 2018). Even though the Whitsunday Residents Against Dumping was a community group located in Queensland, the *activist tactic* frame ridiculed the litigant.

² Note illustration was not available in the corpus due to paywall restrictions but was described by Sandra Williams during her interview.

Five weeks later after the *WRAD case* dismissal (2017 Week 31) costs were awarded to Adani which led to the community group's insolvency. Only the *Central Queensland News* reported on the event. Considering the significant impact this case had on the viability of Whitsunday Residents Against Dumping, it was surprising this did not gain greater media attention.

The final PEL event in the phase (and in scope) was the *ACF case* appeal dismissal in 2017 Week 34. Coverage was low compared to other dismissal events and may be due to the nature of an appeal or reflected news media disinterest in the legal campaign. In three texts the Adani Australia Chief Executive reinforced the project would deliver 10,000 direct and indirect jobs and royalties and charges worth \$22 billion (*Australian Associated Press* 25/8/2017; McDonald 25/8/2017; Sibson 25/8/2017). The jobs figure was not countered by *Land Court case* evidence in any of the texts. The Australian Conservation Foundation vowed to continue the fight beyond the legal sphere and Campaign Director Paul Sinclair declared:

'Today's decision is just another step in the most significant environmental campaign of our generation,' he said. '[It] shows that our national environmental laws are broken and are not protecting the places we love, like the Great Barrier Reef. 'We depend on the passion, commitment and determination of the Australian people to stop the Adani mine.' (Sibson 25/8/2017)

The case was over and opportunities for legal mobilisation dwindling, but this legal decision was clearly not the end of the fight against the Adani mine.

4.4 Discussion

This analysis sought to understand how PEL is constructed in news during ‘mediatized environmental conflict’ by studying newsworthiness and language (Hutchins and Lester 2015). Previous studies showed selective coverage of both environmental issues and court cases and the influence of language during environmental conflict (see for example, Anderson 2015; Lewicki et al 2003; Schneider et al 2016; Solberg and Waltenburg 2014; Vining and Wilhelm 2010). In the context of PEL, questions remained concerning how news media respond when mediatized environmental conflict is extended to the legal sphere and environmental issues and court cases collide.

Overall, the analysis found PEL was a newsworthy campaign tactic during the Adani conflict and, apart from the *Early Years* phase when Adani was not associated with PEL, cases sustained a low but consistent level of coverage. These reporting characteristics functioned to remind the public of resistance against the Adani mine. PEL events rarely created news coverage peaks but, if they did, the event was a surprise and the legal outcome challenged social norms. PEL was the most newsworthy in Queensland where, consistent with other media studies, cases gained more news attention in the communities affected the most (Hoekstra 2003; Richards et al 2011; Worden et al 2014). Local news outlet *Central Queensland News* considered PEL highly newsworthy and their journalists regularly attended court and provided news diversity. The connection between coal, coral and the courtroom through consistent legal argument across cases increased newsworthiness of PEL events. International climate change policy conferences, Australia’s public climate change commitments and two significant coral bleaching events on the Reef were reported in context of legal cases. The use of climate change legal grounds drew on ‘resonant’ frames and likely helped to encourage news reporting (Benford and Snow 2000: 619). Newsworthiness peaked in the *Legal Action* phase and reduced in the *Household Name* phase. Consistent with Lester

and Hutchins (2009), the reduction in news coverage of PEL events during the final phase suggested news media became disinterested in legal mobilisation as legal opportunities dwindled and other aspects of the conflict gained news attention.

As well as the importance of court action locally, the presence of Indian texts reporting on PEL events showed PEL news flowed across jurisdictional borders. Indian media attention followed similar trends to Australian media in respect to the *MCG case* order but beyond this case Indian news coverage was more sporadic and clear trends were difficult to determine. The introduction of an Indian-based litigant in the *Land Court case* was material evidence of an ‘affected public’ beyond Australia’s borders and sparked some Australian news media interest in the early stages of the case (Lester 2016a). Despite these efforts the event did not penetrate Indian news media nor did the Australian news media sustain the story angle as the case continued. As the Indian corpus analysis was limited, further work is required to understand how these transnational PEL news flows contributed to Indian debate concerning the use of coal for energy and whether these flows influenced communities of global concern and the definition of the affected public (Beck 2011; Lester 2016b).

Although PEL was considered newsworthy in Australia, news coverage of PEL was simplified and selective at times in the case study due to event-based journalism and complex legal argument. This was consistent with other research on environmental and court case reporting (see for example, Anderson 2015; Haltom and McCann 2004; Solberg and Waltenburg 2014; Spill and Oxley 2003). Reminiscent of Spill and Oxley’s (2003) description of news reports on US Supreme Court cases as ‘sporting events’, the *court conflict* frame dominated texts. Rather than a complex legal argument over environmental protection, legal cases were simplified to winners and losers in the Adani conflict. As a result, evidence, particularly during hearings, was decontextualized. For example, in the *Land Court case* hearing, news outlets struggled to report on complex science-based

evidence, particularly groundwater. Consistent with Haltom and McCann (2004) only certain evidence made the news even with the presence of a *Central Queensland News* journalist in court. In these circumstances, scientific and technical legal discourse barriers combined with news production practices to create selective coverage.

A highly influential event in the case study was the *MCG case* order. The surprise win for the litigant produced a rare PEL news coverage peak respective to conflict coverage and sustained significant coverage beyond the week of the event. High attention in these circumstances reflected controversy, conflict and novelty news values and was consistent with understanding of legal case coverage and environmental issues in the news (Anderson 2015; Solberg and Waltenburg 2014; Vining and Wilhelm 2010). News coverage of the *MCG case* order created the first ‘critical discourse moment’ in the Adani conflict (Carvalho 2008; Konkes 2018), gaining news attention for saliency rather than legal importance (Solberg and Waltenburg 2014). The sudden high peak in news coverage challenged the direction of Adani discourse by amplifying the *activist tactic*, *public right* and *bureaucracy* frames and suppressing the *court conflict* frame. The *MCG case* order was ‘saturated’ by news coverage and was over-represented in the corpus compared to other PEL events (Solberg and Waltenburg 2014:83). As a result, the tussle between the *activist tactic* and *public right* frames began at this moment. Future PEL events trigger this struggle and reinforced discourse from the controversial event.

The other surprise event in the case study occurred when jobs evidence given before the Land Court showed Adani exaggerated the number of jobs the mine would deliver. Rather than act as a ‘critical discourse moment’, this event influenced discourse subtly and news coverage only peaked in context of the *Land Court case* hearing (Carvalho 2008). Over time news outlets gave space to expert witnesses (who were also conflict actors) to re-inject the evidence in response to industry and political actors continuing to exaggerate job claims. As

well as increasing the visibility of PEL in news, the evidence carried symbolic reference to the law at critical times during the Adani conflict. As argued by James Gibson et al (2014), legal references and symbols influenced how the public interprets legal cases and hence use of legal evidence may have created greater societal trust for those who spoke it.

Even though PEL takes place in a court room and evidence was observed to flow through time, language describing PEL in the case study did not solely rely on this discursive space and was highly influenced by out of court responses from conflict actors. Four of the five frames found in the PEL sub-corpus were positioned as Adani conflict actor claims. The *activist tactic* and *bureaucracy* frames can be categorised as ‘for the mine’ while the *public right* and *criminality* frames can be considered ‘against the mine’. This created an oppositional set of frames and supported frames as conflict ‘lenses’ (Kitzinger 2009; Lewicki et al 2003:16). All frames, except *court conflict*, justified the views and actions of conflict actors and were used by parties to gain and mobilise public support. Opposing PEL frames reinforced the lack of compromise, or the ‘intractable conflict’ between actors in the Adani conflict (Lewicki et al 2003). This was further evidenced by how the frames remained ‘remarkably stable’ over time but responded to each other as events unfolded (Lewicki et al 2003:435).

During the case study, the *activist tactic* frame repeated claims over time but deepened the descriptions as more cases provided evidence of the litigant’s intent. As a consequence, the *activist tactic* frame worked to limit the concept of ‘social licence to operate’ to the geographical local at every PEL event by drawing upon ‘identity’ (Lewicki et al 2003; Parsons et al 2014). Hanabeth Luke et al (2018) demonstrated the term ‘activist’ was derisive and can be rejected by local communities fighting developments as ‘insufficiently objective and neutral’ (524). When using the term ‘activist’ to describe litigants during the Adani conflict, claimants tap into this suspicion by drawing upon place-based identity. By rejecting

the legitimacy of ‘activists’ to take legal action, the *activist tactic* frame limited the definition of the ‘affected public’ to the geographical local and further confused whether environmental concern beyond the vicinity of the mine should influence ‘social licence to operate’ (Lester 2016a; Parsons et al 2014). The *activist tactic* combined this view of the ‘outsider’ with terms such as ‘lawfare’ and ‘sabotage’. Consistent with Schneider et al’s (2016) study of coal industry campaigns, these terms encouraged the audience to feel sorry for the coal industry under pressure from unfair regulation and activists. These terms also increased the drama and spectacle of PEL through discursive tactics employed in a similar fashion to activists trying to gain media attention (Cottle and Lester 2011; Delicath and Deluca 2003; Lester 2010). Terms related to violence also drew upon elements of the ‘protest paradigm’ described by Reul et al (2016) where litigants were from the margins, resorting to protest violence and disorder through ‘lawfare’.

The *public right* frame, with new litigants and different case legal grounds introduced over time, adapted and broadened to counter the *activist tactic* frame. Litigants were prepared to re-frame identities away from the ‘activist’ label to ensure a local face for environmental advocacy was in the news. This was exemplified in the *WRAD case* and was consistent with other research on litigation and advocacy in other fields (see for example, Wakefield et al 2005). Identity levered the importance of local to news media and supported counter discourse to the *activist tactic* frame. However, unlike other studies where re-framing supported resolution of intractable conflicts, re-framing further entrenched differences between the conflict actors and did not lead to solutions (Lewicki et al 2003).

The *public rights* frame also countered the cliched image of activists by tapping into society’s reverence towards the law. The symbolism of law permeated claims and increased the legitimacy of the litigant. Despite this discursive effect, the *public right* frame was limited in its ability to re-dress power balance as it was often voiced in times of defeat. In the case

study, only one case won (the *MCG case*) and only one case lead to improved environmental protection (the *Land Court case*). As a result, there were limited chances to celebrate legal wins publicly. To counter this perspective, environmental groups claimed laws were weak or broken and needed to change. These claims can make the *public right* appear defensive. Vanhala (2012) and Preston (2011) observed these discourses in relation to PEL, showing some global alignment in environmental group claims during legal loss.

Of note during the case study was the limited use of the *criminality* frame, consistent with the characteristic of media under-representing environmental crime (Clifford and White 2017). Mining is a legal activity under Australian environmental law. The ‘drug dealer defence’ attempted to undermine this legality and challenged Australia’s cultural connection and social acceptance of coal mining by describing coal miners as drug dealers in the context of environmental harm. In the case study, this concept did not catch on. Calling the industry a ‘drug dealer’ extended beyond coal companies and applied to the thousands of workers in the coal mining industry. Labelling the whole industry a ‘drug dealer’ was too culturally alarmist and negative to extensively use.

The introduction of legal actors to mediatized environmental conflict influenced the Adani conflict but not always through use of legal discourse and understanding the implications of law. Consistent with Jamieson (1998), a judge’s decision triggered news in the case study but the story was more about how conflict actors reacted to the event. This was evident in the mixed reporting on the *ACF case* dismissal and differences in how legal judgements were used as sources in reporting. In the circumstance of the *MCG case* order, the ways of the legal system reinforced this trend. Inaccurate news reporting and reliance on conflict actor responses to reports on the *MCG case* order was likely due to the absence of legal discourse. This also demonstrated the incongruence of legal audience versus media audience as described by Johnston and Breit (2010). The complicated relationship between courts and

news media was furthered in this circumstance by the media ignoring the Federal Court's public statement to correct these inaccuracies. As well as judges, the case study introduced the litigant's solicitor into the conflict, placing lawyers 'squarely in movements' (Levitsky 2006:178). 'Frame alignment' between litigants, their legal teams and other environmental groups across cases and the campaigns was also evident (Benford and Snow 2000:624). This added to the debate about the interaction of cause lawyers with social movements and how this impacts overall movement strategies (Sarat and Scheingold 2006). The role of legal actors in mediatized environmental conflict is further discussed in Chapter Five.

The combination of newsworthiness and language of PEL during the Adani conflict reflected the changing power dynamics of mediatized environmental conflict. The discursive battle between the *activist tactic* and the *public right* flowed through the PEL sub-corpus but, in the end, the *activist tactic* was more visible. When describing PEL, news coverage placed the act in the context of Adani conflict politics through opposing frames, a foundation of war and a diminished court role. Language drew more on the political than the legal as news media represented PEL as a series of ongoing battles in the ideological war against coal.

In light of these findings, the complexity of media and communications research in the current media landscape needs to be acknowledged. As discussed in Chapter Three, interrogating the Adani corpus revealed significant gaps in coverage. These gaps were overcome with additional digital texts from news outlets in scope for the weeks of PEL events. This does not undermine the quantitative findings of the study due to the breadth of news outlets included in scope which ensured a large dataset. Weeks of PEL coverage were also only compared within the Adani corpus. The PEL sub-corpus was not used to determine the news penetration of PEL compared to other Adani conflict issues. Without the use of additional digital news step, findings would indicate PEL attracted no media attention across a significant number of events. Additional digital texts increased *Central Queensland News*

influence and uncovered the extensive use of *Australian Associated Press* texts. This contributed to the understanding of journalism practices, including court attendance and the influence of news agencies. Without this approach, there would be less evidence to support PEL as a newsworthy environmental campaign tactic during the Adani conflict.

5 VISIBILITY THROUGH VOICE: NEWS SOURCES AND PUBLIC ENVIRONMENTAL LITIGATION

5.1 Introduction

‘Mediated visibility’ in the news provides insight into the dynamics between conflict actors during environmental conflict (Hutchins and Lester 2015; Thompson 2005). Environmental communication research shows activists struggle to gain media attention and other more prominent actors are given priority (Anderson 2015; Cottle 2013). In contrast, scholars of the United States Supreme Court describe how limited public communication from the Court encourages interest groups to act as ‘surrogate press secretaries’ and publicly respond to decisions (Jamieson 1998:5). This chapter aims to understand sources used in news stories on Public Environmental Litigation (PEL) against the Adani mine project. The chapter argues source quotes influenced the presence of conflict actors in news and reflected conflict actor communication strategies, the role of the court and journalistic court reporting conventions.

5.2 News source overview

A content analysis of the PEL sub-corpus identified 128 named individuals and 41³ organisations as sources (quoted directly or indirectly). The total number of sources excluded references to reports produced by organisations, letters/social media Posts (unless the letter was clearly identified as from a named organisation) and sources in images (refer to Chapter Six). Adani (the company and spokesperson) was the most visible source (76 texts), followed by Michael Roche, Queensland Resources Council Chief Executive Officer from 2005 to

³ An organisation was counted as the source if the organisation was quoted but there was no named individual attributed.

2016 (36 texts) and Derec Davies, Land Services of Coast and Country spokesperson (26 texts). If ‘spokesperson for Greg Hunt’, Federal Minister for the Environment 2013-2016, was included in the total ‘Greg Hunt’ count, Hunt displaced Davies as the third highest individual (29 texts). Individuals and organisations were further categorised into 26 categories as shown in Figure 5.1. ‘Politicians’ were the most present source, followed by ‘litigant’ and ‘Adani’. The ‘politician’ category was driven by thirty named politicians quoted in texts so was the most diverse source category and not dominated by one individual.

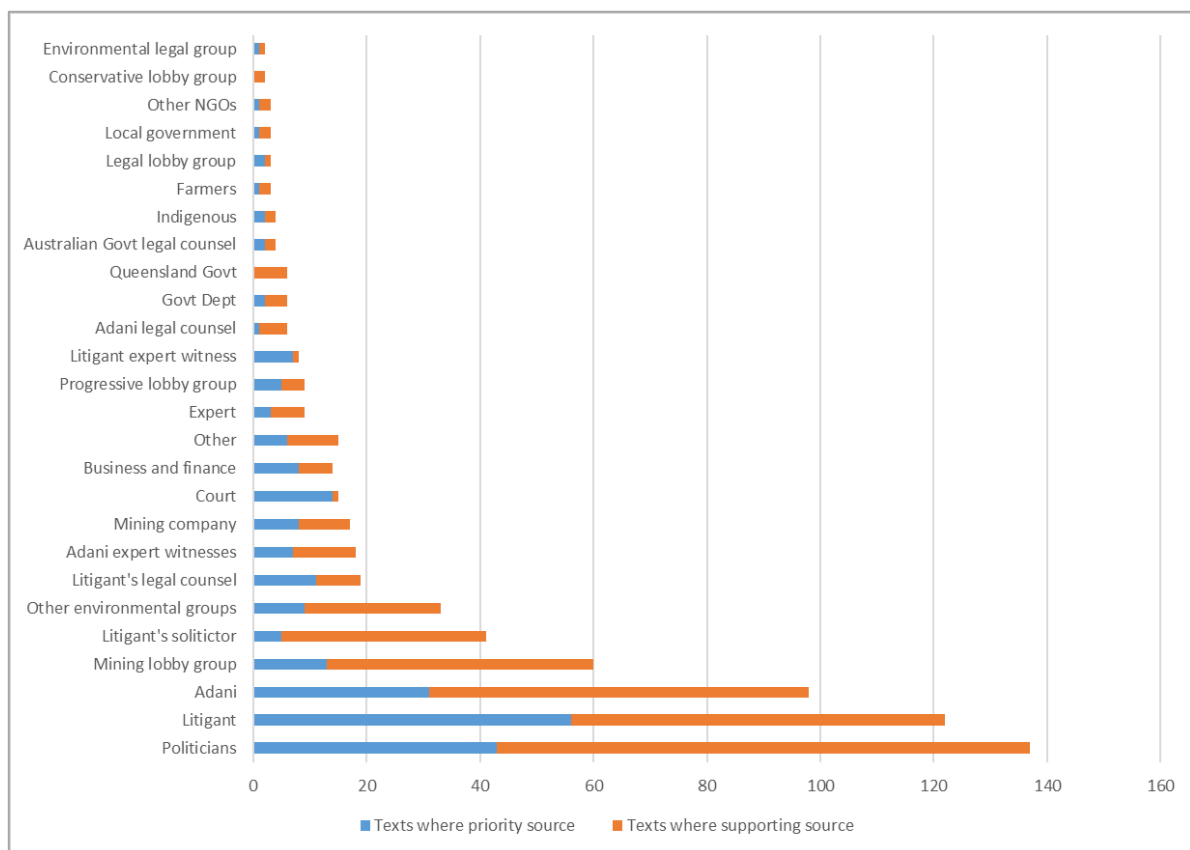


Figure 5.1 Source quote categories in the PEL sub-corpus

Figure 5.1 shows the ‘politician’ category does not always gain priority, with only 31% of texts using politicians as the priority source. ‘Litigants’ were more likely to gain this position (46%). PEL provided opportunity to introduce new legal actors to Adani conflict coverage, such as legal counsel, solicitors, expert witnesses and judges. Of these, the litigant’s solicitor

was the most visible but was the only legal actor to make public statements outside court. They were not cited from within. For this reason, they acted more like conflict actors.

Sources were visible at different stages of the legal process depending upon their role in PEL. Unfortunately, it was too difficult to determine a PEL cycle of ‘mediated visibility’ as the cases were problematic to compare (Thompson 2005). Differences between merit and judicial reviews impacted how hearings were covered, the corpus included outliers and there was the context of the Adani conflict to consider.

The difficulty creating an average view of source visibility is shown in Figure 5.2 and Figure 5.3 where source contribution in texts on the *ACF case* (where the Australian Conservation Foundation challenged the Federal Environment Minister’s approval of the mine based upon climate change grounds) and the *Land Court case* (where Land Services of Coast and Country objected to the Queensland Government’s approval of the mine based upon economic and environmental grounds) are graphed. The *Land Court case* began when initial news coverage was low; before the *MCG case* order temporarily stopped the mine. This influenced the visibility of politicians and the absence of Adani in the early events. The *Land Court case* hearing involved a variety of actors, including expert witnesses and Adani, which were not present during the *ACF case* hearing. This was due to the jobs evidence controversy plus the merit characteristics of the hearing. In comparison, the *ACF case* hearing had a significant reduction in sources. There were some similarities between both cases, including source diversity during judgements. From the time of the *Land Court case* hearing, there was consistent presence of key conflict actors across most case events.

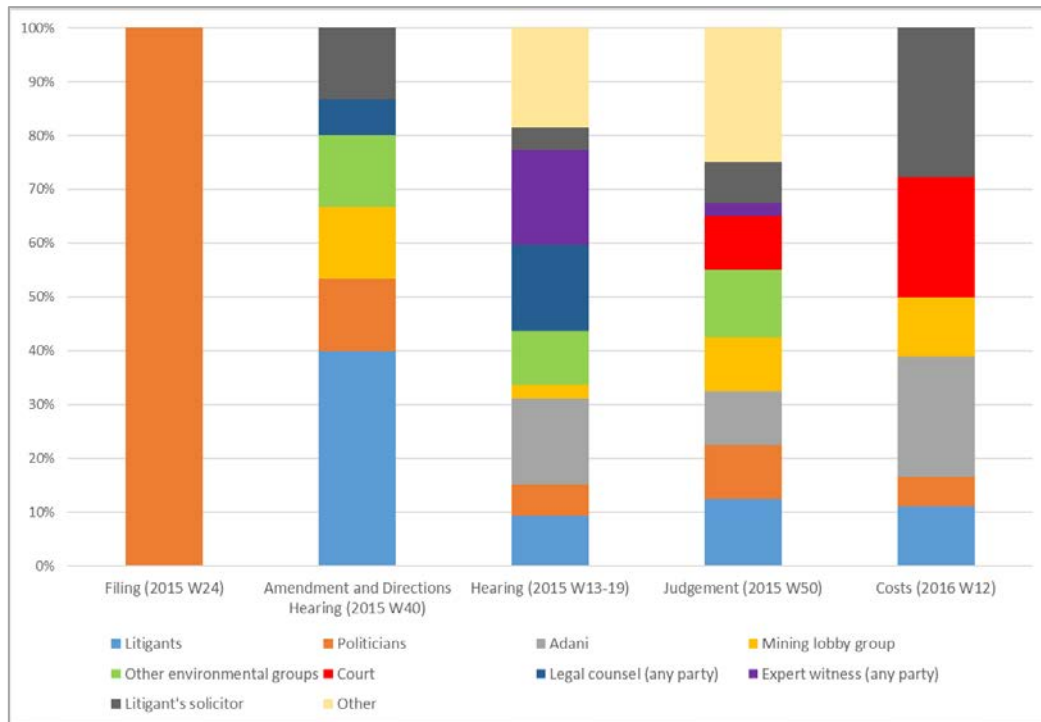


Figure 5.2 Source contribution during *Land Court* case event weeks

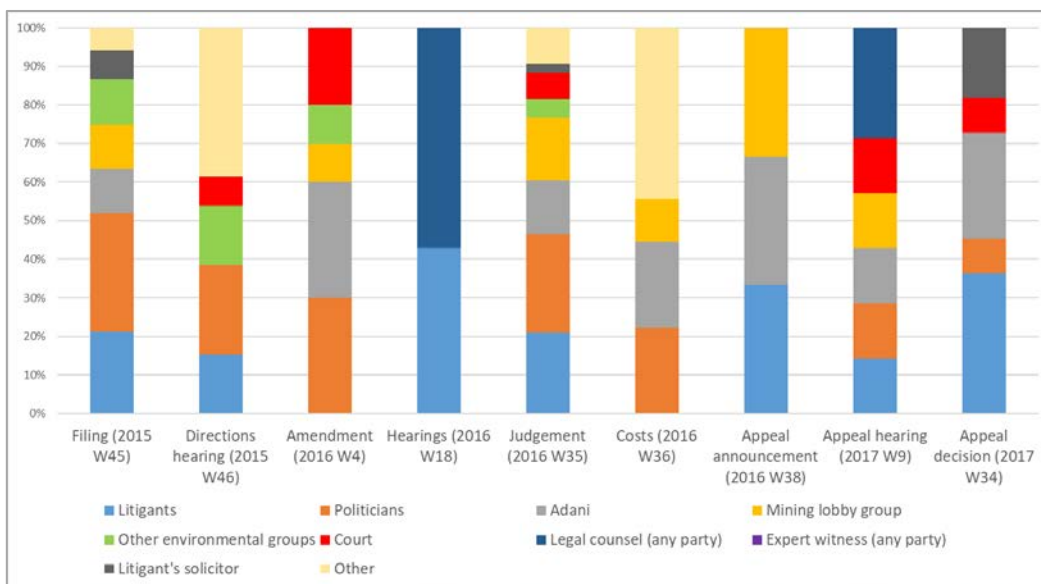


Figure 5.3 Source contribution during *ACF* case event weeks

The sources, priority sources and legal process showed how news outlets tended to structure PEL news stories. Depending upon the story angle, either the litigant, a politician, or Adani was given priority. Once these voices were heard, the story was balanced by comments from lobby groups, environmental groups and the litigant's solicitor. When the Court was active, rather than administrative, legal actors gained greater visibility and priority but to fully understand whether there was a standard cycle of 'mediated visibility' (or a media source template) across PEL events, more cases with significant media coverage needed to be analysed.

5.3 Litigants: an opportunity to make news

5.3.1 The public face

The litigant was both a critical conflict and legal actor within the PEL sub-corpus. Without the litigant, there was no legal action and no story. The Australian Conservation Group, Conservation Action Trust, Whitsunday Residents Against Dumping, the Mackay Conservation Group and Land Services of Coast and Country were all news sources. The most visible litigant was the Australian Conservation Foundation (47 source counts). This was influenced by the number of case events (as discussed in Chapter Four). The individual public face of the 'litigant' category was another more controversial litigant, Derec Davies from Land Services of Coast and Country (26 texts, ten as priority). He was followed by Mackay Conservation Group spokesperson, Ellen Roberts (22 texts, 11 as priority). According to one environmental movement interviewee, the success of the *MCG case* order led to their 'higher media profile' and as a consequence they were 'consistently asked for an opinion on an issue – mainly to add conflict spice to an article' (Anonymous Q, interview, 2018). Though it should be noted that media representation of Roberts and Davies triggered the 'activist' label as their personal history, litigious behaviour and the organisations they represented were used to move discourse away from the case (see Chapter Four).

Geoff Cousins, Australian Conservation Foundation President (2014-2016), was the third most sourced individual litigant (21 texts, eight priority). He has a significantly different personal brand to Davies and Roberts. Cousins is a well-known business man turned environmentalist, rather than an activist or grassroots community member. He is known for his access to the corporate and political world and has a history in environmental campaigning (Beresford 2015:294). Cousins was most visible during the *ACF case* filing (11 texts, seven priority). His prominence provided additional media opportunities beyond the PEL sub-corpus such as a televised interview on *ABC's Lateline* (*ABC Lateline* 2015b). In an interview with the author, Josh Meadows, Senior Media Advisor for the Australian Conservation Foundation during some of the PEL campaign, described Cousins' ability to gain media attention:

It certainly helps if you have someone who has got a real presence and is a known figure to a lot of journalists. It certainly helps a lot. The fact that Geoff Cousins was also an adviser to a former Liberal Prime Minister also helped because the media loves that sort of frisson between, you know, here's a person with a conservative background who's saying, "Don't go ahead with this thing", which is supposedly a big economic development for the country. And yes, Geoff is a big personality and a big figure and has a big voice. All that stuff helps. (Meadows, interview, 2018)

According to coal industry interviewee Roche (2017), the 'brand' of Cousins supported the Australian Conservation Foundation's media visibility:

Geoff's a perfect front man for the ACF because he presents as a wise, successful business person with an environmental heart. The brand of Geoff Cousins works very well for the ACF and I think the media seem to be reluctant to pick up on his arguments and challenge them. And he is also smart at picking the media that he will give interviews to. (Roche, interview, 2017)

Cousins brought credibility to the action and rebalanced power back to the litigant after the *MCG case* controversy and the Government's proposal to limit standing in the *Environment Protection and Biodiversity Conservation Act* (see Chapter Four). He was not present during

the *ACF case* hearing but returned during the judgement where both he and Kelly O'Shanassy, Australian Conservation Foundation Chief Executive, gained visibility in the same texts (Robertson 29/8/2016; Egan 29/8/2016). This was the only time where more than one litigant representative was present in the same text. This amplified the Australian Conservation Foundation's key messages. Once Cousins stepped down from the President role in 2016, other Australian Conservation Foundation representatives were still visible in coverage (see for example, Egan 3/3/2016b; Sibson 25/8/2017). The impact on the visibility of the Australian Conservation Foundation was difficult to determine, particularly with a reduction in media attention in 2017 (as discussed in Chapter Four), but in the circumstance of the *ACF case* appeal dismissal, Paul Sinclair, Australian Conservation Foundation's Director of Campaigns, was the priority spokesperson for all texts. This would indicate their visibility was not limited by the absence of Cousins but perhaps his initial visibility created greater newsworthiness for later case events.

As well as using their own spokespeople, an environmental movement interviewee described how litigants encouraged other members of the environmental movement and alternative voices to speak to provide local and diverse perspectives (Anonymous X, interview, 2018). This was observed in the PEL sub-corpus and 'other environmental groups' were the sixth most sourced category. For example, the North Queensland Conservation Council was observed in texts providing character references for the Australian Conservation Foundation in response to *activist tactic* claims (Roe and Tatham 10/11/2015). The legal profession was a source during the *MCG case* order controversy and in this circumstance was often the priority (see for example, Hasham 7/8/2015b). According to one environmental movement interviewee, there were challenges gaining non-environmental third-party support, such as that received from the legal profession (Anonymous X, interview, 2018). This was reflected in low counts for 'legal lobby groups' in Figure 5.1.

5.3.2 Legal constraints and communication compromises

The significant presence of litigants in texts was despite interview evidence the legal fraternity preferred clients to stay quiet and not jeopardise the case (Anonymous Y, interview, 2017; Barnden, interview, 2018; McGrath, interview, 2017). This created tension between litigants, lawyers and news media as litigants desired public communication. Legal actor interviewee Anonymous Y (2017) stated:

I would say generally the relationship between my role as a lawyer and the media is *incredibly* uncomfortable. Most solicitors would advise their clients to not talk to the media and not to engage in the media and themselves not engage with the media because there is bunch of legal risks. So you know about *sub judice*? You wouldn't want the court to feel like you are undermining its capacity to make a fair decision. A lot of that comes from the criminal jurisdiction, particularly where there are juries. Juries are considered to be prone to the way in which things are discussed in the media. Judges are considered to be more resilient but the judges still don't like it. They don't like you telling the media one thing and them another thing. Or raising something through the public discourse that you haven't brought into their court room and entered as evidence. Effectively they are reading something about their case in the paper which hasn't gone through the rigour of the court process. So the judge thinks, "Well, I have just read this in *The Courier Mail*. Do I now need to bring it back into the court room and ask everyone to comment on it?" It's an awkward position to put the judges in. My general rule is: I don't talk to the media and my client doesn't talk to the media. My clients don't always accept that because in these kinds of cases, particularly in mining in Queensland, the court case is an administrative process. (Anonymous Y, interview, 2017)

Though not specific to PEL against Adani, this quote provides insight into the practical communication challenges involved with PEL and the tension between legal actors (including judges) and litigants. Tensions heighten when the political overlay of PEL court decisions encourages litigants to be more public than the legal fraternity prefer. Anonymous Y stated:

It's [the court case] ultimately feeding the political process so if there is not public support for what's being said in court, the recommendations is easily reversed by the politician. Like you might have

heard for one of those cases, the Newlands case, they won in court, and the government just changed the legislation to approve it anyway because there wasn't the public outrage or engagement so there was no political capital lost by just killing the case through parliament. So our clients would say, and it is kind of rational, that you need to bring the public along in that discussion otherwise you will just be overturned by special legislation. So that creates this uncomfortable tension where clients want to engage with media and, I am generally a pain in the arse, reviewing their press releases telling them you can't say that, you can't say that, you know. (Anonymous Y, interview, 2017)

Even though, once again, this quote was not focused on PEL against Adani, this interviewee provided a perspective showing the importance of out-of-court communication to apply political pressure, though at the same time, the communication constraints. While litigants and their lawyers negotiate communication, journalists may also have little time, resources, or understanding of PEL. To help overcome this dilemma, there was environmental movement and legal actor interviewee evidence litigant groups worked with their legal team to support journalists write news stories on PEL during the Adani conflict (Anonymous Q, interview, 2018; Anonymous X, interview, 2018; Anonymous Y, interview, 2017; Barden, interview, 2018; Meadows, interview, 2018; Williams, interview, 2018). Meadows (2018) stated:

Often the lawyers don't understand the needs of the journalists. Journalists have got limited time to engage with our issue, you know, they need things by a deadline. They need to ask particular sorts of questions. They want to bring the story to life for readers of a newspaper or someone listening on the radio or watching the nightly TV news. Sometimes the arcane twists of the law are not of interest to them but they want to get to the heart of the matter. So I am trying to match those, the needs of the lawyers and the needs of the journalists. (Meadows, interview, 2018)

This quote demonstrated communication professionals within the environmental movement bridge the legal and news discourse spheres. Even with this support, there was interviewee evidence that finding the balance between legal constraints and media coverage involved litigant compromises. Environmental movement interviewee Anonymous X (2017) stated:

All media material is gone through with a fine-tooth comb by the lawyers to make sure it is accurate so that is a constraint in itself. And often the story telling around the court action wouldn't be my choice of story-telling but it is reined in by the lawyers and that is fine. You know, they want to accurately reflect what is actually going on and why it is occurring. (Anonymous X, interview, 2018)

As with observations of the Federal Court press release in Chapter Four, this quote highlighted the strong desire for accuracy in legal discourse and how this can constrain communication. This dynamic contrasted with observations journalists were more interested in the fact court action was happening rather than the 'gritty details of the legal action' and demonstrated the importance of communication professionals within litigant organisations and the need to manage tension between their organisation, the legal team and journalists (Anonymous X, interview, 2018).

Within the PEL sub-corpus, there was never a 'no comment' observed from a litigant. In contrast, litigants were observed to use a range of communication tactics and at times went to great lengths to gain media attention. For example, when the Federal Court dismissed the *ACF case*, the litigant posted on social media before and after the decision, organised a public protest, released press statements and had multiple spokespeople quoted in news media (Australian Conservation Foundation 2016a, 2016b, 2016c, 2016d; 2016e). This effort saw the Australian Conservation Foundation directly quoted in eight texts (two priority).

Litigants thought strategically about when to launch their case. For example, when interviewed for this research Meadows (2018) described how the Australian Conservation Foundation considered 'all those things that could affect the way that we communicate and trying to do the things we can control, like launching the case, at the most optimum time'. This planning was conducted with the backdrop of unknown legal process timing and external events such as high-profile sporting, international, and political events. If successful, the 'optimum time' was an attack move as it placed the other parties in a defensive position

and forced them to argue legal grounds defined by their opponent within an external environment more conducive to the litigant.

Litigants directly engaged with news outlets to encourage visibility in the news. As described in Chapter Four, in April 2016, just prior to the *ACF case* hearing, Australian Conservation Foundation took representatives from three media outlets to the Reef to ‘meet scientists who were working on coral and who know a lot about the way reefs work’ (Meadows, interview, 2018). When interviewed by the author, Meadows (2018) reflected: ‘Yeah, that sort of thing would be great to be able to do all the time because it results in really powerful coverage, but it costs money and even bigger groups like ACF aren’t flushed with cash to do those sorts of things very often.’ The visit generated two *Sydney Morning Herald* and the *Guardian* texts which reported on the health of the Reef and the *ACF case* (Arup 9/4/2016; Slezak 10/4/2016). These were outside the PEL sub-corpus as they were not published during the week of a PEL event.

There was interviewee evidence press conferences post court events were an important communication tactic for the litigant in PEL cases against Adani (Anonymous Q, interview, 2018; Meadows, interview, 2018; Williams, interview, 2018). These provided timely information to the media and images of the litigant (see Chapter Six). Press conferences also allowed other conflict actors to speak and the tussle to get to the media first shaped discourse. For example, the Australian Conservation Foundation invited media to a press conference outside the Federal Court post the *ACF case* judgement (Meadows, interview, 2018). The litigant’s representatives were not quick enough to reach the media first post the judge’s decision. Instead representatives of the Queensland Resources Council reached the press first and briefed news outlets. This left the litigant to defend coal industry messages rather than focus on disseminating their own. According to interviewee Meadows (2018), ‘first is important’ in shaping the news as it gives greater power to frame the outcome and ‘pose

some questions that the journalists might put to the other side.’ Being trumped by the Queensland Resources Council put the Australian Conservation Foundation ‘a bit more on the back foot rather than being able to be confident in the messages that we [Australian Conservation Foundation] had already thought through’ (Meadows, interview, 2018). This demonstrated the desire by litigants to be present in news and to shape and gain priority by managing physical interaction and timing. This was a factor in the Queensland Resource Council’s media strategy which is further discussed in Section 5.6.

5.4 Adani: present but defensive

Adani was an important source in the PEL story. Without the mine there would be no legal objections. Unlike litigants who change with each case, Adani was consistently a legal party. This was reflected by their dominance in the source analysis (see Figure 5.1). The category ‘Adani’ was a combination of different individuals and, as discussed in Section 5.2, ‘Adani the company’ (as represented by a ‘spokesperson’, ‘spokesman’ and/or ‘statement’) was the highest individual quoted. The other ‘Adani’ sources were the Adani Australia Chief Executive, Jeyakumar Janakaraj (16 texts) and Adani’s Chair, Gautam Adani (six texts).

The dominance of nameless ‘spokespeople’ statements indicated how Adani used a low-profile approach to PEL events. A number of public statements concerning PEL events were posted on Adani Australia’s Facebook page (see for example, Appendix P). These statements provided insight into Adani’s public relations strategy and their news visibility. Appendix P shows the one Adani public statement via Facebook in response to the *ACF case* dismissal. News outlets used this Post as a source for *all* Adani quotes in news coverage of the event (see for example, Egan 29/8/2016; Schliebs 29/8/2016). The Adani-Post contained little colour or imagery and there were no names or faces. Graphics focused on construction dates while the words reinforced the *activist tactic* and *bureaucracy* frames (as described in

Chapter Four). The fourth paragraph of the Adani-Post particularly influenced news coverage and components were cited in six texts. From this perspective, Adani public statements were a defensive shield and a one-way communication barrier to news outlets. They used consistent key messages over time using the *activist tactic* and *bureaucracy* frames (see Chapter Four). If news outlets wanted to show balanced reporting, they were forced to use public statements from Adani, rather than interviews or other sources. As a result, Adani did not lose visibility but texts across different outlets often contained the same quotes from Adani public statements.

The controlled risk averse response from Adani was in stark contrast to the busy activities of the Australian Conservation Foundation previously described in Section 5.3. This was observed by interviewee Meadows (2018) who stated:

Corporates have so many advantages over us. They've got heaps of money. They've got access to the best communication consultants you can imagine. But they are obsessed with risk mitigation and, I think we could learn something from that probably, but the advantage that the environmental movement has is that we are closer to the community and can speak in a way that connects with people. So a corporation can play low risk with their statements. Same every time, same spokesperson, not taking any chances. (Meadows, interview, 2018)

There were media moments when Adani became more personal and the Chief Executive and Chair were used as sources. These were often from exclusive interviews or public speeches i.e. staged events. For example, the first Australian media interview with Gautam Adani was with *The Australian* and published the week of the *WRAD case* filing (where the Whitsunday Residents Group Against Dumping filed a case in the Queensland Supreme Court for a judicial review of the Port Abbot Point Queensland environmental approval). Texts conveyed Gautam Adani's 'dream' to light India and highlighted the company's struggle

against ‘lawfare’ (McKenna 4/6/2016; McKenna and Maher 4/6/2016). Gautam Adani never made public comments on specific PEL cases.

Even though Janakaraj was the most visible named Adani actor, he rarely made public comments on PEL cases. In one of these rare occurrences, he was quoted in response to the *ACF case* appeal decision, the final PEL event in scope, and his presence provided a sense of finality as he reinforced the project’s economic benefits (see for example, *Australian Associated Press* 25/8/2017; Sibson 25/8/2017). The other media moments were during the *Land Court case* hearing where in 2015 Week 15, a low news coverage week during the hearing, *The Courier Mail* gave news space for Janakaraj to state ‘he hadn’t lost any sleep over the delaying tactics of the environmentalists’ (McCarthy 17/4/2015). *The Courier Mail* also sourced Janakaraj during 2015 Week 18 in response to allegations the company had over-estimated the number of jobs the mine project would deliver. After remaining silent on the details of the case throughout the hearing, Janakaraj denied the figures were wrong during a public event at the University of Queensland (Fraser 4/5/2015). According to environmental movement interviewee Meadows (2018), the *Land Court case* hearing jobs controversy significantly influenced Adani’s public relations strategy and ‘probably contributed to the fact Adani has been so tight and closed in all its communications since then’. The uncontrolled flow of Adani expert witness testimony from the court to news created greater visibility than Adani desired.

Adani tried to control their news visibility by not making public comments. This was observed by environmental movement interviewee Anonymous X (2018) to influence overall Adani conflict news coverage. At times no public comments on PEL events still resulted in Adani quotes in texts. For example, post the *ACF case* hearing Adani made no public comments but *The Courier Mail* cited quotes from previous court decisions to maintain their

visibility (Vogler and Dibben 4/5/2016). This encouraged the presence of the *activist tactic* and *bureaucracy* frames.

5.5 Politicians: supporter or legal party?

The ‘politician’ category was influential in the PEL sub-corpus, though only two politicians were in the top ten most visible individual actors, Greg Hunt, Federal Minister for the Environment (2013-2016) and Anthony Lynham, Queensland Minister for State Development and Minister for Natural Resources and Mines (2015–2017). Tony Abbott, Australian Prime Minister (2013-2015), was the third most visible politician. Hunt’s visibility was driven by his legal party status across the *ACF case* and the *MCG case*. He was the priority source in 40% of texts where he was quoted. This reduced to only 31% if the ‘spokesperson for Greg Hunt’ was included in the ‘Greg Hunt’ count. Being a legal party changed the way in which Hunt interacted with news media compared to other politicians. For example, during the *MCG case* order Greg Hunt was only the third most visible politician, behind Abbott and Lynham. His comments focused on the mine re-approval process (see for example, Ludlow 5/8/2015). When news of the Mackay Conservation Group’s amendment to include the skink and snake errors was first reported in June 2015, Greg Hunt was visible through a spokesperson who gave limited comments and stated ‘as these matters are before the court it would be inappropriate for me to comment any further (Robertson 16/6/2015). As the *MCG case* order controversy heated up Greg Hunt was a priority source in three texts and the Federal Environment Department was a priority in two texts, compared to Tony Abbott as a priority in seven texts. Hunt also limited visibility during the *ACF case* hearing when the *Central Queensland News* reported: ‘Hunt’s office did not wish to comment on matters before the court’ (Frost 4/5/2016). The Federal Minister of Environment’s risk minimisation strategy continued when the role was taken over by Josh Frydenberg, Minister for the Environment and Energy (2016-2018). In response to the *ACF*

case dismissal Frydenberg was only quoted once as a supportive source (Hannam 29/8/2016). Most texts did not quote the Minister, but visibility was maintained when the Australian Conservation Foundation called for Frydenberg to take a ‘fresh look’ at the approval across multiple texts (see for example, Egan 29/8/2016; Hannam 29/8/2016; Robertson 29/8/2016). In both of these circumstances politicians acting as a legal party were observed to try and dampen their visibility and not be the focus of the story. This said, politicians morphed roles and, as discussed in Chapter Four Greg, Hunt was observed in *The Courier Mail* “push[ing] to curb ‘sabotage’ lawsuits” (Viellaris 25/4/2016b). In this circumstance, he had shaken off his legal party status and was campaigning on Federal Government policy.

The influence of the *ACF case* and the *MCG case* on the PEL sub-corpus impacted the visibility of Anthony Lynham. He had a critical Ministerial role in relation to the Adani project but was more likely to be a secondary source rather than a priority source (only 24% of his quotes are priority). Both cases drew upon Federal environmental law and therefore the Queensland Government was not a legal party. Lynham’s role appeared to provide a Queensland perspective on project delays rather than a legal view (see for example, van Vonderen 9/11/2015). He hinted at law reform to prevent activists taking legal action and reinforced Federal Government responsibility for the *MCG case* order.

Politicians provided support for the mine during PEL events. Only three of the 30 political actors quoted publicly supported PEL action against the mine and these all represented the Greens (see for example, Robertson and Milman 5/8/2015). As a Prime Minister with no legal party role, Abbott gained priority source status more often than Hunt (47%). He gained visibility during the *MCG case* order with his public comments on PEL (as discussed in Chapter Four). Not only was his description of PEL as ‘sabotage’ repeated across a number of texts, but his comments forced public statements from the Opposition Federal Labor Party and increased political sources overall (see for example, Hasham 7/8/2015a). This further

politicised discourse as Abbott attempted to wedge the Federal Labor Party on jobs and the environment. As with Abbott, Matthew Canavan, Federal Minister for Resources and Northern Australia⁴, was a vocal supporter of the mine. With no legal role in the cases, his resources portfolio and North Queensland electorate, he drew upon the dramatic language of the *activist tactic* frame to describe PEL (see Chapter Four). Rather than the intensity of Abbott's appearance, Canavan made spasmodic (but consistent) comments across a number of cases. He gained priority status in 54% of texts he was quoted in. His prominence and extended use of *activist tactic* language built upon Abbott's initial media foray and helped to shape discourse on PEL.

Increased visibility of politicians in response to court decisions, even if their comments supported the mine, was not necessarily deemed negative by campaigners (Anonymous X, interview, 2018). The environmental movement viewed politicians talking about court cases as an opportunity to gain media attention for the campaign. Anonymous X (2018) stated: 'You know, Ministers have had to respond. So any time the Federal Minister or State Minister is talking about court action that drives media as well. They are meaty moments in a campaign' (Anonymous X, interview, 2018). As discussed in Chapter Four, this was also a double-edged sword for the environmental movement trying to counter *activist tactic* claims and Anonymous X (2018) felt politicians 'used' media to 'bash' up the environmental movement, particularly during the *MCG case* controversy.

⁴ Matthew Canavan was Minister for Resources and Northern Australia for two periods during the case study: 19/7/2016 to 25/7/2017 and from 27/10/2017 to thesis submission.

5.6 Coal industry: a constant presence

The coal industry was represented in the PEL sub-corpus by the ‘mining lobby group’ and ‘mining company’ categories. The category excluded Adani as they were treated separately (see Section 5.4). This approach was in contrast to Worden et al (2014) who grouped coal mining companies together and industry lobby groups in ‘other’ (371). The Queensland Resources Council was the most significant individual group and 90% of ‘mining lobby group’ quotes were from this organisation. Of these, 67% were from Michael Roche, Queensland Resources Council Chief Executive (2005-2016). As highlighted in Section 5.2., Roche was a highly visible individual actor. He contrasted Adani’s risk averse discursive strategy with dramatic language such as describing cases as ‘nonsense’ and calling litigants ‘inner-city latte-sipping activists’ (see Chapter Four). Despite his visibility, he was not often the priority source (only 22%). Rather than be the definer of news, Roche commented on the news.

Individual mining companies, besides from Adani, were not highly visible in the PEL sub-corpus. The most visible was GVK Hancock (six texts) as they were trying to develop a Galilee coal mine and were also caught up in the courts (see for example, Robertson 22/4/2016). This reflected the use of lobby groups as the central voice for the industry, rather than separate business individuals. According to interviewee Roche (2017), the ‘corporate’ nature of the mining industry and the rarity of a ‘senior person from a major mining house wanting to engage in that day to day battle with a Geoff Cousins’ meant the Queensland Resources Council took a proactive public relations role. This avoided the problem where individual member mining companies were also competitors.

With Adani a legal party, Roche felt the Queensland Resources Council's role gave greater communicative freedom and allowed the group to be the 'public voice' for the project (Roche 2017). He stated:

In fact, we were probably in a better position because, as we were not a party, we are able to speak out as opposed to the company concerned. So often we would be the public voice around the project at times of litigation and would be there when the decisions were being handed down to make sure that there was a voice, because the EDO was always there giving the alternative view when they yet again lost a case. (Roche, interview, 2017)

The Queensland Resources Council focused on being the 'credible alternative voice' and ensuring they were 'available for every story' (Roche, interview, 2017). As previously described in Chapter Four, the industry group reminded journalists of the *Stopping the Australian Coal Boom* strategy. The press conference outside the court was important to the Queensland Resources Council and they were at court post decisions to engage with journalists (Roche, interview, 2017). Being physically present at the court and available to media was important, particularly if the counter party was there. This was consistent with interviewee Meadows (2018) and showed physical access to journalists was important for conflict actor visibility. It may not lead to priority source status but ensured your voice was heard.

Another lobby group influential in Australia is the Institute of Public Affairs, 'an independent, non-profit public policy think tank' (Institute of Public Affairs 2019). Despite the group initiating a major campaign against PEL and 'red-tape', the group did not significantly influence the PEL sub-corpus (two sources, zero priority) (Institute of Public Affairs 2017). Instead, the Institute of Public Affairs gained media attention outside the PEL sub-corpus claiming PEL was a cost to Australia's economy (Shanahan 27/10/2016).

5.7 The Court: an independent voice

The Court was the only legal actor visible in the news who was considered independent of the conflict. All other legal actors represented a legal party who were also conflict actors. The ‘Court’ category was not as visible as conflict actors, but the voice of the court often gained priority when present (93%). The ‘Court’ was present during hearings, judgements and costs but not observed during filing. Land Court President Carmel Macdonald was the most visible in the category (seven texts, seven priority).

As the Court did not communicate directly to news outlets about individual case decisions, news outlets cited from written legal documents, such as judgements and cost orders (see for example, Rebgetz 15/12/2015). An exception in this case study, as previously discussed in Chapters One and Four, was when the Federal Court of Australia released a public statement on 19 August 2015 (2015 Week 33). This event was not included in the source content analysis as it did not occur during the week of the *MCG case* order (2015 Week 31). The press release was significant as it was the only time a court released a media statement on a case in scope and it was directed at news media to correct news reports on the *MCG case*. The statement highlighted how news outlets were influenced by conflict actor interpretation of events rather than the Court (see Chapter Four). The lack of media attention to this public statement indicated the power of the Court was potentially diminished in a public relations role rather than a legal one.

5.8 Litigant solicitor: lawyer, activist, or ?

The most visible legal actor across the PEL sub-corpus was the litigant’s solicitor. Though in contrast to the Court, the litigant’s solicitor was not often used as a priority source (13%). In all cases the litigant was represented by a not-for-profit community legal centre. The Queensland Environmental Defenders Office represented the most litigants.

Correspondingly, Jo-Anne Bragg, Queensland Environmental Defenders Office Chief Executive, was the most quoted individual in the category (21 texts, one priority).

Environmental legal centres have a dual role contributing to environmental law policy and providing legal representation, particularly to community groups and those who cannot afford it (see for example, Queensland Environmental Defenders Office 2019). As a result, the litigant's solicitor was observed drawing upon the *public right* frame when making claims, with an emphasis on the role of law, the community right to participate and the benefits of legal action (see Chapter Four). In contrast, solicitors acting for the opposing legal parties were either from a government department, such as the Australian Government Solicitor Office or from a commercial firm. They did not act in this dual role and were largely invisible in the PEL sub-corpus. For example, the Australian Government Solicitor was only observed once during the *ACF case* hearing (Slezak 6/5/2016) and Adani's solicitors were never observed.

The Queensland Environmental Defenders Office actively worked to engage with news media, even though there was interviewee evidence to suggest this relationship was 'uncomfortable' and solicitors generally wished to stay out of the news (Anonymous Y, interview, 2017). For example, the Queensland Environmental Defenders Office website contained media releases for many of the cases they were involved in and housed media releases from litigants who did not have an official website, such as Land Services of Coast and Country (see for example, Queensland Environmental Defenders Office 2015c, 2017). As discussed in Section 5.3, there was interviewee evidence Queensland Environmental Defenders Office supported litigants engage with news media to promote the case (see for example, Williams, interview, 2018). This suggests these organisations helped to navigate the fine line between legal and political tension created by PEL.

As well as navigating the legal risks, this degree of visibility exposed not-for-profit environmental legal organisations to the *activist tactic* frame in news. During the *MCG case* order controversy, the fact New South Wales Environmental Defenders Office represented the Queensland-based Mackay Conservation Group was emphasised (Ludlow 6/8/2015). Beyond 2015 Week 31, *The Australian* used distance to define the ‘outsider’ litigant’s and their legal team and reported: ‘The group is located 600km from the mine, 10 hours’ drive from the mine. They are represented by the NSW Environmental Defenders Office, which is located 13.5 hours from the mine’ (*The Australian* 19/8/2015). Environmental Defenders Offices in Queensland and NSW were targeted by the coal industry for using government funds to support activist cases and were accused of being a part of the environmental movement. For example, Roche was quoted in a front-page story in the *Weekend Australian* stating:

It is not credible for the EDOs in Queensland and NSW to argue they are an arm’s-length firm of solicitors whose clients just happen to be activist groups. They are thick as thieves with those groups and helped put together the strategy they are now helping to execute. (McKenna 22/8/2015)

Labelling litigant solicitors as ‘activists’ further blurred identity lines. For one legal actor interviewee this was ‘frustrating’:

I am doing a very similar role now as to what I was doing in private practice for corporations. I worked for large...companies and they would say to me, you know, “Is it lawful to clear this vegetation?” and I would tell them whether it was lawful or not and what their rights and duties are. If an activist or an NGO or someone else asks me the same question, is that company being fair and lawful, I give the same answer because it is my interpretation of the law and my judgement. To me it’s, it depends upon your definition of activism. I don’t feel like I am an activist. (Anonymous Y, interview, 2017)

Adding to complexity was the observed use of media by not-for-profit legal groups to inject legal discourse into media coverage during PEL case events. For example, research conducted by Environmental Justice Australia, a not-for-profit legal organisation located in Melbourne and Earth Justice, a San Francisco-based legal organisation, triggered media coverage linking pollution allegations from a copper mine in Zambia to the Chief Executive of Adani Australia during the week of the *ACF case* filing (see Chapter Four). According to one interviewee, this type of public communication was consistent with Environmental Justice Australia's role shaping public policy (Barnden 2018). Not-for-profit community legal organisations used their understanding of the law to introduce new strands of legal discourse into news and influence through other means, not just court cases. This intervention provided evidence of legal organisations acting as 'activists' and further blurred legal actor identity in the news.

In contrast to litigant solicitors, there was interviewee evidence that litigant legal counsel, who represent parties in court and frame legal argument, did not play an active role in litigant media and communication strategies. Legal counsel interviewee Dr Chris McGrath (2017) stated: 'I don't get involved in the media aspects, beyond counselling clients to limit their public comments and always respect the court process that is underway.' Despite this strategy legal counsel was visible in texts through quotes from within the court room (see Figure 5.1). Saul Holt Queens Counsel for both the Australian Conservation Foundation and Land Services of Coast and Country, was the tenth highest individual source in the PEL sub-corpus (16 texts). He gained priority in a significant number of texts (63%). This compared to the Adani legal counsel, Peter Ambrose Queens Counsel, who was only present in six texts and only 17% as priority source. The level of visibility for Holt was influenced significantly by the media attention gained by the *Land Court case* hearing (as discussed in Chapter Four). In this circumstance, Holt represented the legal challenge and the power held by the litigant.

This led to clearer boundaries between the court and the conflict in terms of media coverage and demonstrated how legal argument framing influenced news framing. Unlike the litigant’s solicitor, legal counsel avoided the ‘activist’ label.

5.9 Expert witnesses: limited diversity and seamless transitions

Expert witnesses from both legal parties were visible in the PEL sub-corpus. As shown in Figure 5.1, Adani expert witnesses were more present overall but litigant expert witnesses, when quoted, were more likely to be the priority source (88% compared to 39%). In the PEL sub-corpus only *Land Court case* expert witnesses were used as sources. No expert witnesses from other cases were cited. According to the Queensland Environmental Defenders Office, a total of 24 witnesses (ten experts and two lay witnesses for Land Services of Coast and Country, seven experts and four lay witnesses for Adani) and one lay witness for the Statutory Party were involved in the *Land Court case* hearing (Queensland Environmental Defenders Office 2015d). Of these, only seven were used as sources in the PEL sub-corpus (see Table 5.1).

Table 5.1 *Land Court case* expert witnesses used as news sources

Expert witness	Tim Buckley (IEEFA)	Professor Ove Hoegh Guldver, Uni. of Qld	Dr Richard Denniss, The Australia Institute	Rajesh Gupta, Adani	Dr Jerome Fahrer, ACIL Allen Consulting	Jon Stanford, Insight Economics	John Bradley, JBT Consulting
Legal Party	LSCC ¹	LSCC	LSCC	Adani	Adani	Adani	Adani
Expert in	Economics	Coral reefs	Economics	Finance	Finance	Finance	Ground-water
Texts with source quoted	3	4	2	5	3	3	2
Text where source is priority	1	4	2	1	2	1	2

1. Land Services of Coast and Country

As well as demonstrating a lack of expert witness visibility, Table 5.1 shows the majority of expert witnesses represented financial and economic issues. These expert witnesses were

present due to the jobs controversy revealed by Dr Jerome Fahrer. This contributed to visibility and source priority for Adani's three financial expert witnesses.

Ove Hoegh Guldver, a professor in marine sciences who gave evidence for the litigant on the impacts of climate change on the Great Barrier Reef, was given both relatively high presence and priority in texts. With the dominance of an *Australian Associated Press* text (see Chapter Four), the same angle was used in the lead across three news outlets reporting on his evidence in terms of the Adani legal argument. In these texts there was no reference to evidence given by other climate change witnesses, such as Dr Christopher Taylor (climate change issues) and Dr Malte Meinshausen (climate change emissions), nor a witness statement prepared by Mr Tony Fontes, a tourism operator on the Great Barrier Reef. Only a *Guardian* text in the opening week of the hearing mentioned Fontes and Meinshausen as witnesses (Milman 31/3/2015). The emphasis on the Professor was due to his prominence as he was already an established news source on coral bleaching (see for example, Johnson 2001). Other non-prominent experts were not as newsworthy as parties agreed on the volume of carbon emissions to be released and only disagreed on who should take responsibility.

Whatever the reason for expert witness visibility, combined with missing expert witnesses on the black throated finch and other environmental issues, there were a significant number of expert witnesses, particularly scientists, absent from coverage of the *Land Court case* hearing. This was consistent with the broader PEL sub-corpus where beyond the *Land Court case* hearing only one scientist was quoted as a named source (Robertson 29/8/2016).

Combined with the focus on economic and financial expert witnesses, this showed PEL coverage was influenced by non-scientific sources even though the basis of the argument against the mine drew upon scientific understanding of climate change and the lack of scientific understanding of other environmental impacts.

Expert witnesses were observed to play dual roles in the PEL sub-corpus. During hearings expert witnesses were only used as sources when talking within the court. This was consistent with interviewee evidence that expert witnesses were generally not available for news interviews and supported the need to minimise legal risks (Anonymous X, interview, 2018; Anonymous Y, interview, 2017). The only exception found was one press release from The Australia Institute on the day Richard Denniss, Chief Economist at The Australia Institute, gave evidence in the Land Court for the litigant (The Australia Institute 2015). Based upon the PEL sub-corpus, the press release did not flow directly into texts as there were no similar or same quotes used. Texts instead quoted Denniss from within court (see for example, *Central Queensland News* 1/5/2015).

Communicative behaviour of expert witnesses changed once the hearing was over. This was observed after the *Land Court case* hearing when expert witnesses from the Institute for Energy Economics and Financial Analysis and The Australia Institute seamlessly moved from the court space to the conflict space acting as lobby groups against the mine. Expert witnesses from The Australia Institute were labelled ‘expert witness’ and grew to become the counter voice to the persistent use of 10,000 jobs in texts (see for example, *ABC 730 Report* 2017; Denniss 20/3/2017; Murphy 7/12/2016; Small 4/4/2016). This supported interview evidence that the environmental movement used expert witnesses to ‘comment in an authoritative way’ (Anonymous X, interview, 2018). The Australia Institute, in particular, drew upon the *Land Court case* to question the rigour of news media and reliance on political claims. This is shown in a Facebook Post in Figure 5.4.

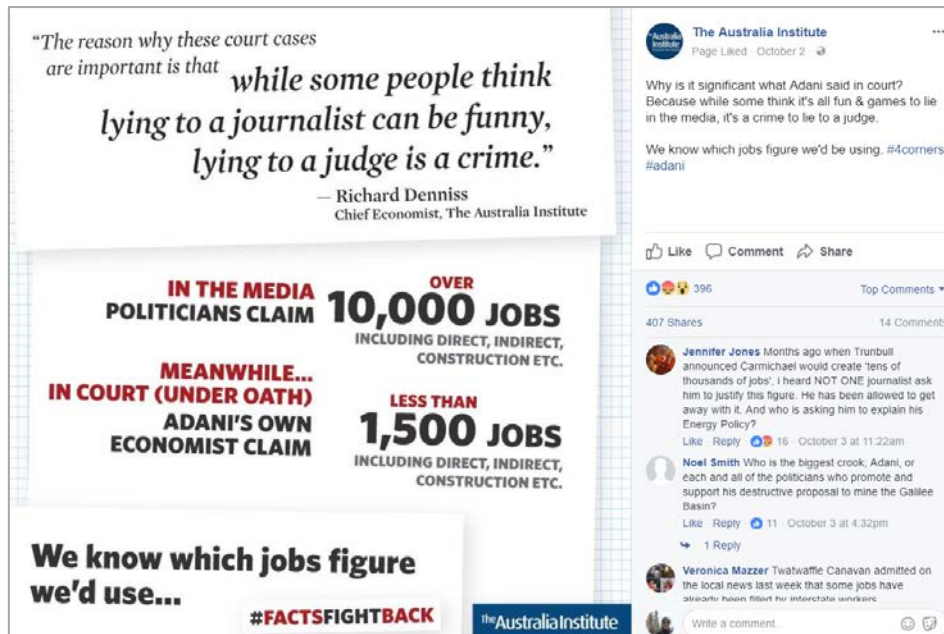


Figure 5.4 The Australia Institute-Post Facebook (The Australia Institute 2017)

Tim Buckley, a financial expert witness in the *Land Court* case hearing and an expert from the Institute for Energy Economics and Financial Analysis, transitioned from expert witness to lobby group expert. As well as being sourced in texts as an expert witness during 2015 Week 17 of the hearing, Buckley was quoted three times in other texts representing the Institute for Energy Economics and Financial Analysis in 2015 Week 18. This visibility was driven by the Institute's report issued on the financial viability of the mine a week after Tim Buckley gave evidence in the Land Court (see for example, McGrath 5/5/2015). As a result, the story of Adani mine's not delivering jobs and being a financial failure continued for another weekly news cycle and an Adani spokesperson was forced to make public statements rejecting Buckley's modelling evidence used in court (see for example, Robertson 5/5/2015). This transferred discourse from the court to a public debate where the rules of evidence did not apply. Adani's expert witnesses, tarnished by news reporting the previous week, made no public comments and were only sourced using court room quotes. Out of court, Adani expert witnesses were replaced by Adani spokespeople who returned to claims that the project

would deliver millions of dollars of taxes and royalties and ten thousand jobs (see for example Robertson 5/5/2015). In contrast, Tim Buckley transitioned to the public space easily, holding onto the authority of an expert witness, but no longer constrained by the court room. This created a confusing news space where claims made in court were mixed up with claims made out of court and only some voices were heard in both places.

The ability for an expert witness to transition between roles was supported by news production processes. According to research interviewee Tim Buckley (2017), he was one of the few experts in his field who journalists could reach out to and get a response. Other economic and financial experts were mostly within larger commercial/financial organisations and academics did not always have the time nor the profile. Buckley (2017) stated:

I would get called by journalists two or three times a day. The single biggest question is, ironically, who else can we talk to, because we don't want to be talking to you every day, because you're one voice, and we need to show balance, and balance is showing a diversity of views? And you go, well, you could talk to a financial analyst at Citigroup, but why would Citigroup talk to you, why would UBS, why would Macquarie Group? They've got far more experience about energy than I do, but they're not available. They're actually embargoed from talking to journalists. (Buckley, interview, 2017)

The reliance on lobby groups for expert opinions reduced the diversity of sources in media. It appeared this was recognised by journalists but not necessarily something they had control over. As a result, Tim Buckley was used as a source beyond the court room and maintained his authoritative position as an expert witness. This was furthered through his organisation's media strategy, which published material and tried to gain media attention (Buckley 2017). There was only one text in the PEL sub-corpus which tried to de-legitimise Buckley's evidence when the Land Court President determined his evidence was not accepted by the Court (Ludlow 15/12/2015). According to the *Australian Financial Review*, the Court President 'fired a broadside at activists and some economists' (Ludlow 15/12/2015). This

was reminiscent of the emotive descriptions in response to Adani expert witnesses during the *Land Court case* hearing and showed the ease by which expert witness evidence brought before the court was easily dismissed by news outlets if it no longer supported the story angle. By moving the gaze to discredit litigant expert witnesses, power shifted away from the litigant and returned to Adani.

5.10 Discussion

Source visibility in the PEL sub-corpus, combined with an understanding of actor public relations strategies, provided insight into how PEL was represented in news during the Adani conflict. Results showed differences between the broader study conducted on coal industry news coverage by Worden et al (2014) who found the dominance of coal mining companies and limited representatives of other perspectives (371). In PEL news coverage, conflict actors were mostly used as sources, rather than legal actors, with only the litigant's solicitor and litigant expert witnesses combining both legal and conflict actor roles. The influence of conflict actors and their claims aligned with Jamieson (1998) who highlighted how spasmodic communication from the court and its withdrawal from discourse once a final decision is given, provides a platform for interested parties to tell the legal story from their perspective. The high visibility of both Adani and litigants showed news media provided space for both sides in order to provide balance. This reinforced findings from Chapter Four concerning the use of claims from opposing sides to frame PEL but was in contrast to the idea activists struggled to gain media attention (Anderson 2015; Cottle 2013). Instead, PEL news reporting encouraged environmental voices and forced responses from industry and governments when it appeared they did not always desire it.

The voices of conflict actors in this case study represented the interplay in mediatized environmental conflict (Hutchins and Lester 2015). Litigants were extremely busy in their

strategic attempts to gain media attention and each PEL event was a public relations opportunity. The litigant initially held communicative power when they filed cases and built upon this position using ‘optimum timing’ and prominent spokespeople. They countered the portrayal of ‘activists’ as litigants by drawing on the community and the local. Litigants understood the importance of public support for court action and the need to engage with both the legal and political spheres at the same time. Even though this created tension between legal actors, media and the litigant, considerable effort was taken to ensure legal risks were met and media attention gained simultaneously. This was reminiscent of environmental communication research which showed activists were aware of news production processes and used public relation strategies to gain media attention (Anderson 1997; Cammaerts 2012; Powers 2015; Van Leuven and Joye 2014). Litigants encouraged other groups to speak, such as local environmental groups. These sources were present in texts, consistent with Bowers (2011) observation that NGOs are often used to comment on ‘other people’s stories’ (126). As a result, litigants and the environmental campaign gained ‘mediated visibility’ and were often the priority source (Thompson 2005).

Adani was almost as visible as litigants, yet their communicative effort was much less than litigants. They issued controlled statements, mostly on social media. These were one-way, nameless and risk averse. Even though social media was used by the environmental movement to create dialogue among supporters and to mobilise efforts (Bennett and Segerberg 2012), Adani’s media statements on social media were a more traditional one-way public relations platform. A more personal approach was only shown on their terms, such as through exclusive interviews with chosen news outlets. Adani appeared to shun or attempt to control the limelight by minimising public comment. This potentially stifled some of the noise from the environmental movement but with the desire for balanced news Adani still gained visibility. This finding furthered the ideas of Lester and Hutchins (2012) in their

understanding of ‘mediated invisibility’ and the actions of corporations and governments in response to highly visible activist tactics (847).

Litigants were publicly supported by their solicitors. Community legal organisations brought a deep understanding of the law and emanated a considered sense of legal wisdom. They translated ‘legal-ese’ into language understood by news outlets and the public. These legal views were important, especially with the lack of time and resources given to journalists to interpret legal cases and outcomes (Davis 2014). Community legal organisations played a dual policy and court role and hence strategic communications were an important aspect of what they did. This pushed these lawyers outside their comfort zone and placed them in the ‘mediated’ campaign against the mine, rather than an independent lawyer acting on behalf of a client. The injection of legal discourse into the news at the same time as legal cases, such as the Environmental Justice Australia Zambia example, was evidence of the multifaceted way legal mobilisation can occur, as described by McCann (2006). Not only was legal mobilisation about taking legal action, it was about drawing attention to aspects of the law which furthered the campaign. In this case study, the tactic encouraged visibility and built understanding of how ‘cause lawyers’ interacted with social movements to shape framing (Sarat and Scheingold 2006).

The economic perspective of the coal lobby groups countered the legal view of the community legal organisations. The Queensland Resources Council was always present, popping up as a secondary source and drawing upon the *activist tactic* or *bureaucracy* frame using colourful language. This was in contrast to the measured *public right* frame of the litigants, who in other protest spaces were seen using more dramatic communication tactics to gain media attention (see for example, Lester 2010). Queensland Resources Council was a busy communicator, making efforts to be at press conferences and releasing public statements. In a way, Queensland Resource Council was acting like an activist group, always

‘there’ and trying to get attention. They balanced out Adani and provided news media with another voice to provide spectacle when Adani was controlled. In this case study, rather than use ‘corporate ventriloquism’ as a rhetorical strategy, as found in US coal industry campaigns where coal corporations and industry bodies used front groups to espouse the virtues of coal, coal lobby groups were more open with their communication and intent (Schneider et al 2016:53).

Politicians visibility in the case study was consistent with Hall et al’s (1978, 2013) study labelling politicians as ‘primary definers’ of news, though in this case study they were not the most significant definer of news. If they were a legal party, politicians tended to be more communicatively controlled. This aligned with the legal risks associated with public communication during a legal case but minimised their ‘mediated visibility’ and potential scandals (Thompson 2005). Politicians may have even hidden behind legal advice to stay quiet to minimise media attention and not gain association with the legal case. In contrast, politicians who supported the mine, but were not involved in legal cases, tended to noisily support the mine and used the dramatic language of the *activist tactic* to gain media attention. These politicians, such as Tony Abbott and Matthew Canavan, acted as ‘primary definers’.

Within this interplay of conflict actors, news media delineated between ‘inside court’ and ‘outside court’. Some sources were bounded by this delineation, while others were not. For instance, without legal party status, the Queensland Resources Council and other environmental groups had no voice in court. This made the press conference outside court a critical news production process and ‘outside court’ platform for conflict actors, as described by Jamieson (1998). So critical, in fact, that it sometimes led to a race to get there first. The physical location of communication and ‘being present to be heard’ were important to news visibility. Conflict actors communicated from their perspective using their own language, not constrained by the court.

Some legal actors, namely judges and legal counsel, were constrained by the physicality of the court. These actors were cited from within the court space or from a court document. They avoided media contact, and this limited how news media translated their perspectives. In contrast, expert witnesses transcended the legal boundary and blurred the line between inside and outside court when they seamlessly transitioned between the role of expert witness and lobby groups. This pushed the boundaries of the role of an expert witness where their primary function was to assist the court resolve the dispute (see for example, Queensland Land Court 2018). The court process to determine agreement and disagreement between expert witnesses established the courtroom as a space of divided opinion where one expert was pitted against the other through the questioning by legal counsel. By transitioning to a lobby group label, this divided opinion extended beyond the court room and allowed legal discourse to mix with public discourse. Expert witnesses who transitioned to lobby group representation sustained or re-injected evidence at ‘optimum times’ using the expert witness label to add authority. This gave a hook for ‘mediated visibility’ but reinforced PEL as a part of the broader Adani conflict (Thompson 2005).

There were a number of voices which did not visibly influence how PEL was represented in this case study. A significant number of expert witnesses were not found, and this led to scientists being largely absent, particularly in relation to the Doongmabulla Springs, waxy cabbage palm and the black throated finch. Cases against the mine used administrative elements of the law to mobilise but at the heart of the legal action was the science on the mine’s environmental impact. Instead the economic debate increased in emphasis, as observed in Lehotský et al (2019), and assisted the *activist tactic* and *bureaucracy* frames as discussed in Chapter Four. This observed absence of scientists was consistent with Cullen-Knox et al (2019) and with research showing changes in climate change news frames reduced the presence of scientists in news coverage (Anderson 2011). In the case study, claims of

environmental impact were often spoken by litigants. This potentially reduced the legitimacy of these claims as they did not carry the authority of expert witnesses or scientists.

Another group without influence in the PEL sub-corpus was farmers. This was in contrast to the *Alpha case* where Bruce Currie, a Galilee grazier, was a litigant and gained media visibility, particularly related to water risks (see for example, Weekes 2017). Water risks raised in the *Land Court case* were not highly visible in media coverage. Australian farmers are symbolic of connections with the land and the struggles of living in the bush. Water is vital to the future of farming and Australia experiences significant droughts. Australian city residents largely experience the impact of droughts on farmers through a mediated lens. Mining and agriculture compete for land and the impact of corporatised mining in long standing farming communities can lead to conflict (Greer et al 2011; McKenzie 2009). One of the successful elements of the Lock the Gate campaign against fracking in Australia was how farmers were a part of the strategic alliance (Hutton 2012). The lack of farmers heard during PEL in this case study changed how news media represent PEL, including less emphasis on water and the legitimacy of local impacts as well as increased focus on ‘activists’. This requires further research.

Transnational sources in the PEL sub-corpus were varied but Adani contributed significantly to their influence. Transnational sources other than Adani included international NGOs, Indian litigants and business. Except for Adani, Australian sources gained greater priority in news. Indian news coverage of PEL was not analysed specifically for sources and further research is required to determine how sources influence coverage and whether source selection changed as PEL news flowed transnationally.

Overall the sources used in PEL sub-corpus texts and the priority placed on their quotes, supported the political and conflict representation of PEL in news rather than a legal

perspective. A PEL event created a platform, mostly outside the court, for conflict actors to gain ‘mediated visibility’ in a largely unconstrained manner compared to within the court. Within this space, conflict actors jostled for priority and to engage first with media to frame the story. The legal process caused some tension, but this was navigated by actors working together to minimise legal risks and actors transitioning between legal and conflict actor roles. The Court was constrained in what and how it communicates, but this did not inhibit PEL news coverage and placed further emphasis on conflict actor responses to legal decisions.

6 COAL, COAL AND MORE COAL: NEWS IMAGES OF PUBLIC ENVIRONMENTAL LITIGATION

6.1 Introduction

Images of environmental issues and problems directly contribute to the understanding of environmental discourse (Hansen and Machin 2013b; Seppänen and Väliaverronen 2003). Environmental campaigns use images to capture news media attention and encourage discourse about their cause (Cottle and Lester 2011; Delicath and Deluca 2003). Public Environmental Litigation (PEL) is held in a less visible space than public protest and courts are not as conducive to drama used in ‘image events’ (Delicath and Deluca 2003). *The Courier Mail* drew upon this difference in an editorial on ‘environmental lawfare’:

The classic, almost clichéd, image of anti-development protesters is often people chaining themselves to trees or across gates in an effort to hold the machines at bay. These days, the tactics often involve chaining companies up in the courts with seemingly endless legal challenges. (*The Courier Mail* 17/6/2016)

This raises questions of how news outlets visualise legal mobilisation, how viewers interpret these images and how these images contribute to the social understanding of PEL during environmental conflict. Are clichéd images of environmental tactics perpetuated through news representation or does PEL provide opportunities for new ways to visualise the conflict?

This chapter aims to explore the visual representation of PEL in news media using images found in the PEL sub-corpus. The chapter argues that even though we live in a visual society, the dominance of coal industry generic images in PEL news encouraged the viewer

not to really look at the image but drew on cultural understandings of the coal industry brand and reinforced the importance of coal to Australian society.

6.2 Image corpus overview

PEL sub-corpus images were dominated by ‘coal industry’ images, followed by ‘politicians’ and ‘India’. This is shown in Figure 6.1.

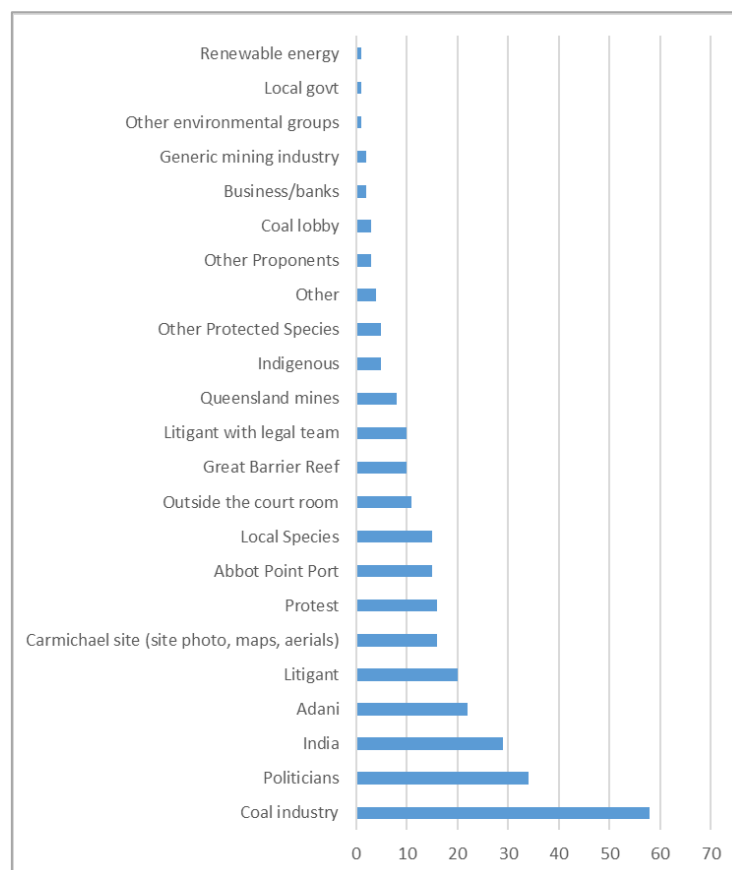


Figure 6.1 Image categories in the PEL sub-corpus

Image categories ‘Adani’ and ‘litigants’ were almost equally present (22 versus 20 images, respectively) but ‘coal lobby’ images were found in relatively few texts. This was in contrast to findings in Chapter Five where the coal lobby, namely the Queensland Resources Council, was often used as a source. The lack of images furthered the finding lobby groups were generally news commentators on PEL rather than ‘primary definers’ (Hall et al 2013).

Images of ‘Abbot Point Port’, the ‘Carmichael site’ and ‘Queensland mines’ combined were less than total ‘coal industry’ but helped to provide a sense of place (39 images total). Images supporting key campaign messages (‘protest’, ‘local species’ and the ‘Great Barrier Reef’ categories) were also less than ‘coal industry’ images (41 images total). Legal symbols were present in the PEL sub-corpus but at low levels (12 images). These were shown through court buildings, a gavel and legal representation. There were no images of inside the court or of courtroom evidence.

Figure 6.2 shows that overwhelmingly the images originated from media outlets and freelance photographers. These categories were combined as it was difficult to determine contractual relationships between these two sources from internet research. Stock images and environmental groups were the other major image sources. Of concern was the significant number of images of unknown origin (16%) as this reduced the accuracy of findings.

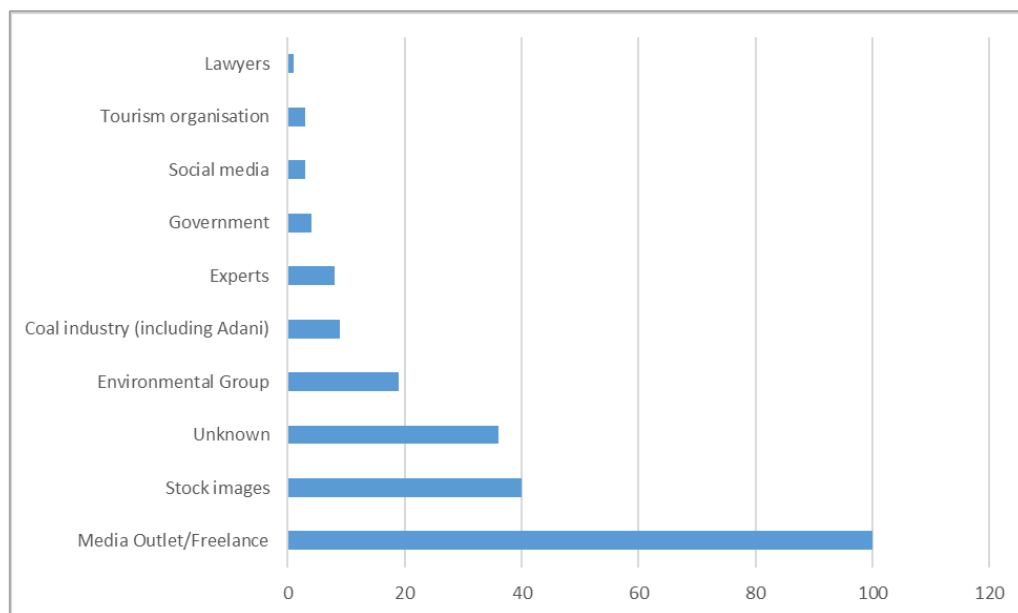


Figure 6.2 Number of images per supplier

6.3 Visualising the project

6.3.1 The coal industry

The largest image category in the PEL sub-corpus was the ‘coal industry’ category. These generic images depicted coal mining and export equipment, coal mines, coal fired power stations, coal trains, coal workers and coal piles. The two main image sources were the combined media outlet and Australian freelance photographer category (28 images) and stock images such as Getty Images (25 images). News outlets did not source generic ‘coal industry’ images from environmental groups. However, there were environmental group sourced site-specific images depicting the coal industry. These are discussed in Section 6.3.2.

Generic coal industry images showed big blue skies, dusty mine sites, long trains, towering gantries, large black coal piles, big yellow trucks and/or workers in hard hats. Images were often angled from below, creating a sense of dominance and power as described by Kress and van Leeuwen (2006). Figure 6.3 shows an example of a generic coal industry image which sat below the headline ‘Eco-activism is a major cost to the community’ (*Australian Financial Review* 6/8/2015).



Bureaucrats had failed to attach a file for the Federal Environment Minister Greg Hunt to consider. David Rowe

Figure 6.3 ‘Yellow truck, blue sky’ coal industry image (*Australian Financial Review* 6/8/2015)

The ‘yellow truck, blue sky’ example image in Figure 6.3 romanticises mining through distance and the sun setting behind the truck. The big sky dominates the background and draws upon Australian outback ideals. The image caption provides no information on what the image is and where it was taken. These are observed traits across generic ‘coal industry’ images, including captions connecting the image to the story without an image description. The viewer would see a well-produced image which they would assume was photographed in an Australia setting. In the context of the PEL news coverage, the importance of the resources sector to Australia would be imagined through symbolic references and the coal industry brand, rather than images specifically supporting news text.

‘Coal industry’ images were also characterised by the absence of people, with only 16% of ‘coal industry’ images containing people. These were assumed to be generic mine workers, though there were two images of Australian Prime Minister Tony Abbott (2013-2015) with mine workers in the PEL sub-corpus (these are further discussed in Section 6.5.1.). Apart

from political images, people were depicted wearing hard hats and safety equipment. Their backs were to the viewer or their faces blurred. An example is shown in Figure 6.4.



Adani's \$16.5 billion Carmichael mine needs to be re-assessed by the federal government. Peter Braig

Figure 6.4 Generic mine worker image (Ludlow 5/8/2015)

Generic models limited site location specificity and were consistent with Machin's (2004) stock image characteristics and observed use of generic models to denote certain occupations. However, of note, both images in Figure 6.3 and Figure 6.4 were taken by media outlet photographers, demonstrating media outlets drew upon the same image characteristics as image banks to portray coal mining.

An exception in the PEL sub-corpus to the 'yellow truck, blue sky' coal industry visual was an image sourced from mining company, Rio Tinto, depicting hands holding coal (Figure 6.5).



Figure 6.5 Coal in hands image (Frost 8/4/2015)

In Figure 6.5 hands offer the coal to the viewer, inviting them to touch and feel it. The image is reminiscent of a person gently holding dirt, a plant, or a baby animal in their hands and supports claims coal is natural and a safe and integral part of human life. This image was framed at a close and personal distance and tells the viewer, ‘It’s ok, coal is safe’. The image sat awkwardly next to the caption and the text which reported on evidence given to the Land Court on the climate change impacts on the Great Barrier Reef (Frost 8/4/2015). The news text led with direct reference to photographic evidence of the reef turning into a bacteria-dominated ecosystem due to climate change impacts. This photographic evidence of the Reef in dire straits was not in the text, replaced instead by the image of hands offering coal and positive connotations of the coal industry.

Generic coal industry images were an opportunity to visually link Carmichael coal, legal action and the coal’s Indian destination. An image of the Indian Adani Mundra power plant was used by the *Central Queensland News* and *The Guardian* in the PEL sub-corpus 13 times. This image, sourced from Getty and shown in Figure 6.6, depicts a black coal pile with the Mundra power plant’s red and white stack contrasting to the big blue sky in the background.



Figure 6.6 Adani Mundra Power Plant stock image (Hepburn 16/1/2015)

This image was only captioned once in *The Guardian* as an ‘Adani plant in India’ and therefore considered more generic than site specific (Robertson 19/9/2016). The image in Figure 6.6 was captioned ‘Adani Carmichael Mine’, providing inaccurate information for the viewer. Within the content analysis, this repeated image was categorised as ‘India’ which increased the influence of the ‘India’ image category compared to other categories.

Apart from the Mundra plant there were images categorised as ‘coal industry’ and ‘India’ which drew upon Western ideas of mining in developed countries i.e. manual, dirty and unsafe (two images). This contrasted to the mechanised Australian mining images with workers in safety gear. One image, shown in Figure 6.7, depicted women in colourful clothing with baskets on their heads. This Getty Images photograph was consistent with the understanding some photojournalism shows diversity through symbols such as colourful dress (Machin 2004:325). These images supported the moral case for coal in countries with little access to electricity. Further discussion on ‘India’ images is found in Section 6.3.4.



▲ Villagers carry coal from a mine in Jharkhand, India. An Indian conservationist says there is no question of Carmichael coal being imported from Australia into India. Photograph: Kuni Takahashi/Getty Images

Figure 6.7 Indian coal industry image (Robertson 5/8/2016)

Within the ‘coal industry’ category there were other images which did not fit the ‘yellow truck, blue sky’ theme, including when images of coal were tightly framed to emphasise a coal pile’s blackness and large scale (8 images). Two examples from *The Guardian* are shown in Figure 6.8. In the image on the left, the glistening coal contrasts to the white sky, while in the image on the right the sky is grey and stormy which creates a threatening mood.



▲ Adani's plan is to export lower quality thermal coal from Carmichael to Asia but it will have to bear the brunt of a long term decline in prices. Photograph: Ian Waldie/Bloomberg/Getty Images



▲ The Carmichael mine is set to be Australia's largest mine, and will extract up to 60m tonnes of coal a year from Queensland's Galilee Basin region. Photograph: Robb Kendrick/National Geographic Society/Corbis

Figure 6.8 Tightly framed coal piles (Left: Robertson 1/5/2015, Right: Milman 3/8/2015)

In the context of the texts, both these coal piles appeared too big and too black. Rather than demonstrating dominance and power through size and angle, these images drew upon the negative connotations of colour and size to question the coal industry's legitimacy.

6.3.2 Site specific understanding

Site specific images in the PEL sub-corpus visualised both the mine site and Abbot Point Port. Compared to 'coal industry' images, specific Carmichael site images were relatively low in number (16 images). Galilee Basin aerial images, area maps and a Carmichael mine sign were used to provide place-based knowledge. There were no on ground images of the proposed site, including early exploratory work, or a site office. Figure 6.9 shows two examples emphasising a remote and arid landscape.



Figure 6.9 Left: Galilee Basin image (Robertson 5/5/2015), Right: Adani Carmichael Road sign image (Rebgetz 15/12/2015)

The aerial photograph on the left emphasises expansive treed areas against a minimal sky and the lack of development. A dry river bed runs through the centre, taking the eye away from cleared farmland and roads and draws upon ideas of the remote Australian bush and drought. This image was provided by environmental group Greenpeace and used three times by *The Guardian* in the PEL sub-corpus. The image was never specifically captioned as the Galilee Basin or as the Carmichael site. Consistent with Kress and van Leeuwen (2006), this long-

distance aerial shot created an invisible barrier between the viewer and the image subject and may have showed a dominance over the landscape. However, in this circumstance, where site access was difficult and the area's size was immense, there was no other real practical option for a photographer. It is also most likely that the audience, particularly non-locals who would likely never have been to the Galilee Basin, would have gained some site-specific context through these photographs.

The *ABC News* road sign image, shown on the right in Figure 6.9, hints at development but gives little sense of what the mine would look like or its impact. The blue road sign, with a red stop sign and 'Adani' emblazoned at the top, contrasts to the dusty remote road leading to the horizon. This denotes 'off limits' and access prevention. In a symbolic twist, the road sign drew upon #StopAdani campaign visual branding, the red stop sign, well before the campaign was formalised. As the Adani conflict continued *ABC News* introduced an alternative to this image (outside the PEL sub-corpus). A similar sign located on a farm fence with horses grazing in the background was used, showing habitation and shared use rather than remoteness and off limits (see for example, Slezak 2018a).

Compared to the remote and undeveloped Carmichael site, Abbot Point Port is a real working site and relatively easily accessed. Consequently, Abbot Point Port images were used in the PEL sub-corpus to provide place-based knowledge (15 images). Port images fell into two main categories: (1) aerials (nine images), or (2) close up infrastructure images (six images). These two categories highlighted the influence of both viewer proximity and angle to image interpretation as expressed by Hansen and Machin (2013b) and Kress and van Leeuwen (2006). Examples of these categories are shown in Figure 6.10. The image on the right was the most used image depicting Abbot Point Port (observed four times) and was supplied by an unknown source. The image on the left was sourced from a media outlet.



Figure 6.10 Abbot Point Port images (Left: Cox 5/8/2015, Right: McKenna 27/4/2016)

As shown in Figure 6.10, close up images of the port focused on coal export equipment, showed little context of the port setting and drew upon coal industry image characteristics, including close focus from a low angle, big blue skies, big yellow equipment and no people. If captions did not state these represented Abbot Point Port, they could be any port in the world and placed in the 'coal industry' category. Abbot Point Port aerial images offered greater insight into the port and environmental concerns as shown in the image on the right in Figure 6.10. In images such as these the port was placed within the broader environment and black coal piles contrasted against blue ocean and the green Caley wetlands. The extension of industry into the water conjured ideas of ocean outfalls and pollution.

Four port aerial images were sourced from the environmental group Greenpeace while the other texts did not reference source. News outlets used ground perspective images sourced from Greenpeace to depict Abbot Point Port. See Figure 6.11 for examples of both aerial and ground Greenpeace shots.



Figure 6.11 Greenpeace supplied Abbot Point Port images (Left: Taylor 18/11/2015, Right: Robertson 27/4/2015)

The image shown on the left encourages the viewer to look beyond the port and into the ocean by angling the coal piles frontally and including the jetty at the image top. This compares to the similar image previously in Figure 6.10 where the jetty was largely cut from frame. This slight frame change gave greater emphasis to environmental campaign messages concerning Reef protection. However, all Abbot Point Port aerial images, whether supplied by an environmental group or not, showed an industrial site intruding on the landscape.

Images taken from a ground angle created a different feel regarding Abbot Point Port. The image shown on the right of Figure 6.11 depicts the port nestled amongst the wetlands. This image was taken from a distance but level with the equipment, suggesting detachment but equality as described by Kress and van Leeuwen (2006) in their interpretation of distance and angle in relation to the viewer. This could be seen as power being taken away from the infrastructure as it appears the greenery is engulfing the equipment. *The Guardian* only used this image once, but it provided a more personal and intimate perspective.

As well as photographs, maps of the Galilee Basin and Abbot Point Port were used, particularly by *ABC News*, to provide readers with locality (11 images). These were mostly supplied by the coal proponent (Adani or GVK Hancock), with one image supplied by the

Queensland Government (*ABC News* 15/3/2015). Only one image was created by the news outlet (Rankin 5/5/2015). These maps contextualised the mine and reduced site-specific voids in the PEL sub-corpus, but they did not take priority in text layout and were often found in the later descriptive parts of texts.

6.3.3 Queensland-based mines

Queensland-based mines images were used to support place-based knowledge in the PEL sub-corpus (eight images). This included the proposed Alpha coal mine test pits in the Galilee Basin. Within the PEL sub-corpus there were texts which focused on legal action against the Alpha mine as news media reported on the legal campaign against opening up the Galilee Basin. Alpha mine images emphasised development by either showing the impacts caused by open pit mining or focusing on a particular ‘toxic’ aspect. This is shown in Figure 6.12, where Greenpeace sourced photographs of GVK Hancock’s Alpha coal test pits depict a green dam. The image shown on the left in Figure 6.12 was used by *ABC News* three times and is a re-framed and re-angled version of the image on the right, used by *The Guardian* once. Three out of four texts used captions to inform the viewer this was a test pit at the Alpha mine.



Figure 6.12 Alpha coal test pit images (Left: *ABC News* 15/3/2015, Robertson 22/4/2015)

Without site specific Carmichael images, the Alpha test pit images gave proof mining in the Galilee Basin was a reality and there was environmental impact. In the images used, there was a clear delineation between unordered but fertile nature versus the barren and synthetic industry site. The green water looked unnatural and toxic and brought to life environmental destruction and water impact claims. From a viewer's perspective, image captions and corresponding texts did not discuss or clarify whether the water was toxic and causing an impact. The conclusive jump was up to the imagination and understanding of what 'toxic' looked like and demonstrated the confused interpretative space the viewer may have found themselves in.

6.3.4 The Indian connection

Within the PEL sub-corpus there were a number of images showing India, Indian symbols and (as discussed previously) the Indian coal industry (31 images). Adani images (including employees and brand logos) were only categorised as 'India' if India was specifically highlighted, such as the image location, Indian symbols, or in the caption. Indian environmental movement images were absent in the PEL sub-corpus despite Indian-based Conservation Action Trust being an objector in the *Land Court case* and the group's spokesperson, Debi Goenka, quoted in the PEL sub-corpus (five texts). This may be due to the Conservation Action Trust not physically present at the hearing and may reflect minimal news reporting on the impact of burning Carmichael coal on Indian communities as described in Chapter Four.

As well as Indian coal industry images previously discussed in Section 6.3.1., there were images of rural Indians living with minimal or without electricity in the PEL sub-corpus. These images were used in an Australian exclusive interview with Gautam Adani about his dream to light India (McKenna 4/6/2016). These 'India' images emphasised the difference in living and working conditions between Australia and India and supported the moral case for

coal. One alternative view of India was provided through an image of a solar energy farm (McKenna 4/6/2016). This was the only image in the PEL sub-corpus which depicted renewable energy as a solution to energy and climate change issues.

6.4 Visualising environmental threats

Images in the PEL sub-corpus represented protected species and places potentially impacted by the mine, including local flora and fauna at the Carmichael mine site (15 images) and the Great Barrier Reef (ten images). Local species were not counted as ‘Carmichael site specific’ as they were not clearly photographed within the mine site. Discourse concerning animals stopping development in response to the *MCG case* order (when the Federal Court set aside the mine’s Federal Government approval due to lack of consideration of conservation advices for the Yakka Skink and the Ornamental Snake) instigated the presence of protected species images which were not grounds for legal action against the Adani mine (five images). These were all contained in the one text and were not of species impacted by the mine and hence categorised as ‘other protected species’ (Armitage 8/8/2015).

6.4.1 Local species

Local species present in images were the yakka skink (seven images), the black throated finch (five images) and the ornamental snake (four images). One snake image was altered, with a snake looking directly at a surprised Greg Hunt, Federal Environment Minister and snakes visible in the background. This image was about the politics of the *MCG case* rather than snake protection (West 5/8/2015). Within the other images, the protected species were mostly photographed alone and gazing away from the viewer. One yakka skink image, on the left in Figure 6.13, appeared more stylised and showed the skink sitting on a red rock. This was the most repeated protected species image (four times) and used colour and angle to

gain attention. This image was taken by a field biologist, while the image shown on the right was sourced from the Federal Government.



Figure 6.13 Yakka skink images (Left: Frost 6/8/2015, Right: ABC News 5/8/2015)

The finch was depicted at close range as an isolated bird or in a pair within their natural environment. Examples are shown in Figure 6.14. These images provided evidence these rarely seen animals exist.



Figure 6.14 Black throated finch images (Left: Australian Associated Press 31/3/2015a, Right: Robertson 14/5/2015)

One interviewee from the environmental movement described the role animal visuals play in a campaign but highlighted the communication dilemmas involved (Meadows, interview, 2018). The interviewee stated:

So you've got these gorgeous furry animals which are endangered species and using them in pitches to media and in communications with supporters is irresistible really because your eyes are drawn to them and people feel warmly about these creatures. But at the same time, by depending on that as the thing that is going to draw people into our campaign, we risk, you know, falling into the stereotype of caring more about the environment than about people. So I think it is important that environmentalists also highlight the things about protecting the environment that make life better for all of us (Meadows, interview, 2018).

It could be argued the skink and the snake were not 'gorgeous' or 'furry' and viewers may not have 'felt warmly' about snakes and skinks. Reptiles may not have evoked the same emotions as other animals that are not only furry but hold cultural significance, such as koalas in Australia. In the case study this was overcome through visualising species in cartoons. As discussed in Chapter Four, the skink and the snake were targeted as the cause of the 'bureaucratic bungle' stopping the mine in August 2015. Without a voice, the skink and the snake symbolised the use of the courts to stop the mine and were central figures in a number of cartoons depicting the power reversal. See for example Figure 6.15.



Figure 6.15 Cartoon depicting skink and snake (*Australian Associated Press* 23/3/2016)

This cartoon takes the 'yellow truck, blue sky' coal industry image and places it full frontal to the viewer. This created an intimidating scene in which the viewer felt for the small snake

and skink who only have a stop sign for protection. They were humanised and relatable as protesters against the mine. Cartoons such as these politicised protected animals and their role in stopping developments. As discourse about PEL moved to the political realm (see Chapter Four), the snake and the skink moved from photographs in their natural habitat to inspiration for satirical cartoons drawing upon power reversal, development and environmental law.

Not all protected flora and fauna used as legal grounds in PEL cases were present in images in the PEL sub-corpus. Consistent with minimal news coverage (as discussed in Chapter Four), there were no Doongmabulla springs or waxy cabbage palm visuals. Images of springs shaded by large trees, lily pads and blue flowers, supplied by environmental group Lock the Gate, surfaced outside the PEL sub-corpus later in 2018 once news discourse moved to the mine's impacts on water (see for example, Robertson 2018; Slezak 2018b).

6.4.2 The Great Barrier Reef

The Great Barrier Reef was visually present in the PEL sub-corpus (ten images). The Reef was photographed both aerially (three images) and underwater (seven images). Reef representation was found in protest images, but these were not counted in this category and are discussed in Section 6.6 Visualising protest. Figure 6.16 shows photographic examples of the Reef.



Figure 6.16 Great Barrier Reef images (Left: Central Queensland News 15/1/2015, Right: Milman 31/3/2015)

Images in the PEL sub-corpus showed the Reef's beauty, whether it be the crystal-clear blue water, blue skies, colourful fish and/or coral shapes and colours. These images conjured feelings of wonder, joy and excitement. Consistent with Hansen and Machin's (2013b) understanding that environmental images are often 'romanticised', photographs emphasised the Reef in its idealised state as promoted by tourism bodies. Seven images of the Reef were sourced from tourism organisations and image banks.

In the PEL sub-corpus there were three images of bleached coral. These emerged during 2016 after the first significant Reef bleaching in early 2016. One image, shown in Figure 6.17, depicted a lone diver swimming over white coral. Wonder, joy and excitement were replaced with a reflective quiet sadness, reminiscent of walking through a graveyard. There was no visible outrage or disgust.



Figure 6.17 Bleached coral image (Slezak 3/5/2016)

Bleached coral images were sourced from Getty Images, the University of NSW and an unknown source. None were provided by government departments or environmental organisations. Of note, PEL sub-corpus images excluded news media coverage of the Australian Conservation Foundation media trip to the Great Barrier Reef in April 2016 to encourage news reporting on the Reef's health and the *ACF case* (where the Australian Conservation Foundation challenged the Federal environmental approval of the mine based upon climate change grounds). This was not a PEL event so excluded from the PEL sub-corpus. News coverage by *The Guardian* included trip-specific photographs of the Reef, scientists, Australian Conservation Foundation representatives and wildlife (Slezak 10/4/2016).

In both healthy and bleached coral images people were present, either diving, swimming or snorkelling (five images). This either placed the audience in a positive or negative position, as they drew on their own nature and holiday experiences and their reaction to coral loss. This dichotomic emotional response was supported by one interviewee who discussed the difficulty gaining media attention connecting the mine, climate change and the Great Barrier Reef (Anonymous X, interview, 2018). The interviewee speculated that 'it is almost too

distressing for people and media and editors’ to understand bleaching of the Reef (Anonymous X, interview, 2018). This distress may lead to people removing themselves from the image and distancing their actions from the impacts on the Reef.

6.5 Visualising conflict actors and legal parties

6.5.1 Politicians

Images containing politicians were the second highest category behind ‘coal industry’ images and were the most observed conflict actor category in the PEL sub-corpus (34 images).

Politicians were photographed in parliament, at press conferences and at mines (see for example, *ABC News* 7/8/2015; Christensen 1/9/2016; Hasham 7/8/2015a). Prime Minister Tony Abbott was the most observed individual conflict actor (equal with Gautam Adani with ten images). This was influenced by his prominence in the *MCG case* order news coverage and the flow of *ABC News 24* press conference footage where he claimed the legal outcome was ‘tragic for the wider world’ (Hasham 7/8/2015a). Abbott was also pictured in mining settings with mine workers (two images). These images were more intimate and demanded greater viewer connection than the generic coal industry images containing model like workers. As shown in Figure 6.18, one image of the Prime Minister was taken at close to mid-range from the front. Faces were visible and showed positive emotion and engagement.



Figure 6.18 Politician in mine setting image (Hasham 7/8/2015a)

Even though these photographs were highly staged public relations events, the people in these photographs appeared more natural than those found in generic coal industry images and were used to demonstrate the government's support for the industry. That said, these images drew upon the same coal industry brand ideas shown in the generic coal images: large yellow equipment, safety equipment, dirt/sky landscapes and workers in safety gear.

Other politicians present in the PEL sub-corpus multiple times were the Federal Environment Minister and legal party to a number of cases, Greg Hunt (seven times), Queensland Minister for State Development Anthony Lynham (three times), North Queensland Federal Member of Parliament George Christensen (four times), Prime Minister Malcolm Turnbull (three times) and Queensland Premier Anastacia Palaszczuk (two times). Minister for Resources and North Queensland Federal Member of Parliament Matthew Canavan was absent from images and politicians against the mine, the Greens, were only observed twice. Within these images, politicians were pictured from the front but rarely directly looked at the camera. This was because many of the images were taken at press conferences. For example, the image shown in Figure 6.19 depicts politician Pauline Hansen posing in front of her One Nation airplane directly gazing at the camera. This image was most likely from an election campaign rather

than a press conference. In the image on the right, Greg Hunt is depicted talking to media at a press conference. His gaze is to the side, with his hands clasped and wearing casual business attire. This showed openness and calm in the response to the *MCG case* order as he accepted the technical error and committed to rectify the situation.



Figure 6.19 Politicians in images (Left: Butterworth 7/8/2015, Right: Frost 6/8/2015)

Politicians were also pictured in PEL sub-corpus images with Gautam Adani shaking hands (five images). See Figure 6.20 for an example. These images were particularly prominent in 2017 after the Australian Prime Minister's visit to India in April 2017 and the Townsville Adani office opening in June 2017. Individuals were suited and situated in an office or corporate-like environment. Sometimes the gaze was direct at camera, as shown in the image on the right of Figure 6.20. Other times, the image captured the interaction between the politician and businessman as shown on the left. These cliched shaking hands images were highly staged events and demonstrated both the State and Federal Government's commitment to the project and the relationship with Adani.



Figure 6.20 Shaking hands images (Left: *Australian Associated Press* 15/6/2017, Right: Chang 17/6/2017)

The long-standing nature of the relationship between governments and Adani was present in the PEL sub-corpus in a 2012 image showing Gautam Adani alongside the then Queensland Premier, Campbell Newman and Federal Trade Minister, Martin Ferguson, in front of the Mundra coal-fired power plant. This was used once in the PEL sub-corpus. See Figure 6.21.

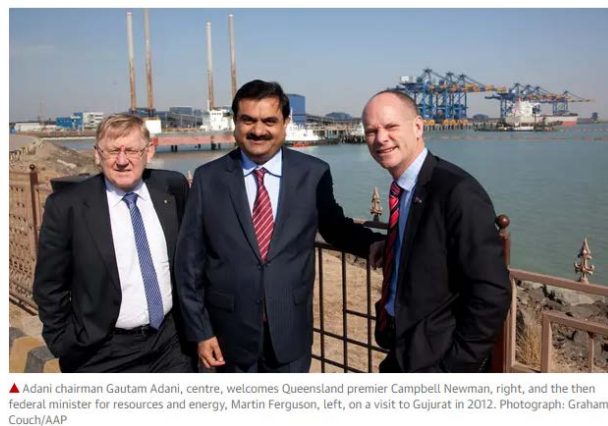


Figure 6.21 Image of Australian political figures alongside Gautam Adani (Milman 9/10/2014)

Individuals in this image appear comfortable together, with close distance between their bodies and all gazing towards the camera. Images such as these in the PEL sub-corpus represented the social relationships between these conflict actors.

6.5.2 The face of Adani

As the proponent and a legal party, ‘Adani’ images were observed in the PEL sub-corpus (22 images). Images categorised as ‘Adani’ included Adani representatives (namely the Chair and the Adani Australia Chief Executive) and the Adani logo. As previously discussed, the image in Figure 6.6 of Adani’s Mundra Power Plant was excluded as ‘Adani’ as it was not captioned to indicate they owned the plant. Half of the ‘Adani’ category included images of Chairman Gautam Adani. Less visible but still significant (six images), was the Adani Australian Chief Executive, Jeyakumar Janakaraj. Images of the Adani Chair and the Adani Australia Chief Executive were often close up with direct gazes. They smiled at the camera, encouraging a positive interaction with the viewer. See examples in Figure 6.22. This was consistent with observations of Adani representatives in images with politicians.

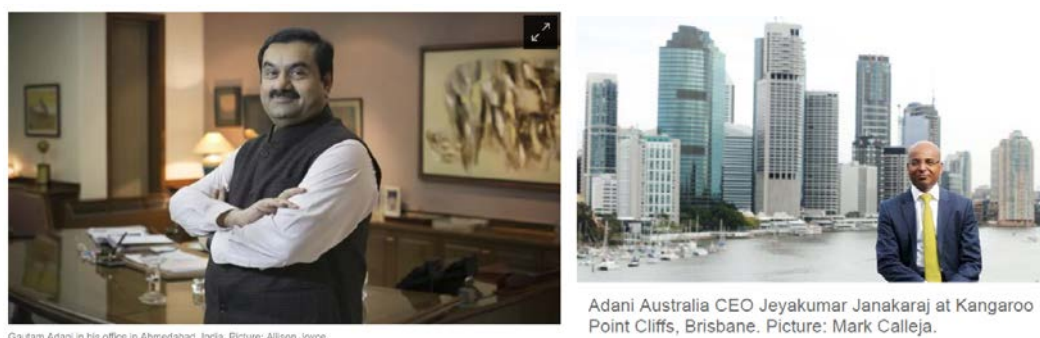


Figure 6.22 Images of Adani representatives (Left: McKenna and Maher 4/6/2016, Right: Schliebs 25/11/2016)

The Adani brand was depicted in cartoons reporting on the struggle to gain approval. Two examples are shown in Figure 6.23. The cartoon on the left visually shows the Australian obstacles to the project, with the looming Adani digger stopped in its tracks. The one on the right draws upon the Indian connection through the elephant symbol wearing a Carmichael hard hat.



Figure 6.23 Adani in cartoons (Left: West 28/4/2015, Right: West 2/5/2015)

The connection between India and Adani was not always emphasised in imagery and only nine images within the PEL sub-corpus were categorised as ‘India’ and ‘Adani’. Generally, only the Adani Chairman was explicitly linked to India. For example, locating him in India or referring to him as an ‘Indian billionaire’ (Cox 5/8/2015; McKenna and Maher 4/6/2016). There was only one image of Adani Australia’s Chief Executive in India (McKenna and Maher 4/6/2016). This compared to the consistent description of the company as ‘Indian’ (see for example, McKenna 27/4/2016). Visually, both the Chairman and CEO appeared Indian and had Indian sounding names, so it was likely a viewer would think ‘India’ when looking at them. To delineate between the company and the country, these images were not automatically categorised as Indian.

There were places where ‘Adani’ was absent from images. No other Adani employees, besides from the Chair and Chief Executive, were visually depicted and there were no Adani employees photographed alongside Abbot Point Port facilities or at the Carmichael site. This was consistent with a lack of site-specific Carmichael mine images in the PEL sub-corpus and the use of generic coal mining employee images. Adani was not directly referred to in images associated with protest. Signs in images alerted to Galilee coal, fossil fuels and the Reef but there were no ‘#StopAdani’ protest signs in the PEL sub-corpus.

6.5.3 Litigants and the courts

There were 20 litigant images in the PEL sub-corpus, either individually or with their legal team. The most visible litigant was Land Services of Coast and Country's Derec Davies (seven images), followed by Wangan and Jagalingou native title representative Adrian Burragubba (six images), Mackay Conservation Group's Ellen Roberts (five images) and Queensland Environment Defenders Office Chief Executive Joanne Bragg (five images). Despite cases where Adrian Burragubba was a litigant being outside the study scope, case timing and the media's tendency to group legal action together (as discussed in Chapter Four) encouraged images of Mr Burragubba in PEL news. It should be noted that four litigant images could not be viewed as they were referred to in *The Courier Mail* print texts. These images contributed to the content analysis category count, but an in-depth interpretation was not possible. Three of the inaccessible images depicted Derec Davies and, considering *The Courier Mail's* language framing of him as an 'activist' (as discussed in Chapter Four), these images would have provided greater depth to this analysis.

A re-occurring image found in the PEL sub-corpus showed litigants outside the court talking to news media (eight images). Of these, half included the litigant's legal team, the Queensland Environment Defenders Office. The visual connection between litigants and the courts was promoted by litigants and their solicitors as a form of 'image event' through the press conference outside the court (Delicath and Deluca 2003). The press conference was observed in the PEL sub-corpus in the *ACF case*, the *WRAD case* (where the Whitsunday Residents Group Against Dumping challenged the Queensland environmental approval of Abbot Point Port works) and the *Land Court case* (where Land Services of Coast and Country objected to the granting of environmental approval and the mining leases based upon environmental and economic grounds). Image examples are shown in Figure 6.24. A similar

image was observed in the *MCG case* even though there was no hearing or formal judgement (Frost 6/8/2015).



PHOTO: Coast and Country's Derec Davies with Environmental Defenders Queensland CEO Jo Bragg in Brisbane today. (ABC News: Jessica van Vonderen)



PHOTO: Environmental defenders office solicitor Sean Ryan and ACF president Geoff Cousins (LtoR) outside court after lodging the challenge. (ABC News: Jessica van Vonderen)

Figure 6.24 Images of litigant and legal team outside court room (Left: van Vonderen and Sakzewski 31/3/2015, Right: van Vonderen 9/11/2015)

In both images above the litigant is pictured alongside their legal team outside the court. They have serious expressions, are dressed formally and gaze to the side. The concrete court structure is visible in the background and provides a legal symbol for viewers to draw upon. The solicitor's presence reinforces legal symbols and provides a sense of solidarity. Of note, these images were only observed during the week of the legal event depicted and did not travel beyond this time within the PEL sub-corpus.

There were staged litigant images which incorporated the courts *and* protest. An example is shown in Figure 6.25 of the *WRAD case* judgement press conference outside the Federal Court. This image shows the litigant's spokesperson, Sandra Williams, engaging with media and gazing directly into the camera. Queensland Environment Defenders Office solicitor, Joanne Bragg, supports from behind, gazing ahead but not directly with the camera. Both have serious expressions and formal dress. Behind them people stand with colourful banners waving a fake green turtle in the air.



Figure 6.25 Image of Whitsunday Residents Against Dumping spokesperson in front of court with protest behind (Godwin 16/6/2017)

Images such as these in the PEL sub-corpus juxtaposed the formality of the litigant, the legal team and court building with protest and provided a connection between the litigant and the grassroots communities against the mine. This was an important aspect of Whitsunday Residents Against Dumping's identity and one they used to counter the activist frame (as discussed in Chapter Four). By combining the formal legal image and the colour and drama of protest, these images amplified campaign messages beyond legal action and broadened the focus from the litigant to the overall campaign. Protest banners and symbols provided an opportunity for campaign messages not inherent in legal case grounds to be visible, though it should be noted that in the image in Figure 6.25, the words on signs are not identifiable and would have required the audience to interpret the protest purpose using the text.

While protests observed behind staged images involving Whitsunday Residents Against Dumping reflected litigant framing, the lack of protest observed in staged *ACF* case images supported the Australian Conservation Foundation's brand and the reputation of one their key spokesperson, Geoff Cousins (refer to right image in Figure 6.24). As discussed in Chapter Five, Geoff Cousins was framed as a business man with environmental values rather than an activist or environmental group member. It would appear incongruous for Cousins to be

flanked by banners, balloons, or turtles. In this circumstance, the absence of drama and spectacular resonated with the litigant values and personal brand.

On the opposing conflict side, there was only one image of a Queensland Resource Council representative addressing media outside court when the *LSCC Supreme Court case* (where Land Services of Coast and Country challenged the Queensland approval of the mine in the Queensland Supreme Court) was dismissed (Egan 26/11/2016). Besides from this image, there were no mine supporter images outside court, including no Adani images and/or government or political representatives. In contrast to the Queensland Environment Defenders Office, there were no images of opposing solicitors, nor other legal actors such as barristers, judges or expert witnesses. There was one image of a gavel, a commonly used legal symbol, when reporting on Adani's involvement with a case (emcbryde 18/11/2015).

The PEL sub-corpus included images just containing the litigant. Some of these images showed defiance and confrontation and represented the litigant as an 'activist'. Figure 6.26 shows two examples. In these images litigants look directly at the camera with serious expressions and formal body language, the background is blurred, and the close head and torso shot draw the viewer directly to their eyes.

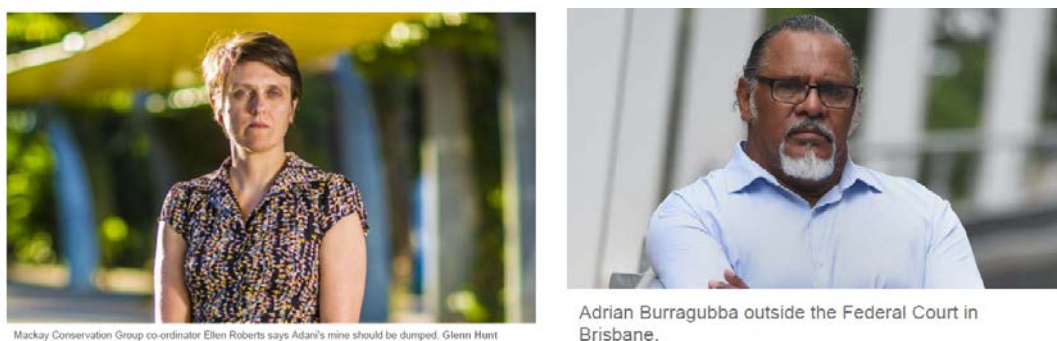


Figure 6.26 Litigant images (Left: Ludlow 6/8/2015, Right: Schliebs 25/11/2016)

Images such as these represented activists rather than grassroots communities fighting against the mine in the PEL sub-corpus. The consistency between the two images in Figure 6.26 also

shows the common approach to visual depiction of environmental and native title litigants who were considered ‘activists’ during the Adani conflict. In contrast, an image of Geoff Cousins in the week the Australian Conservation Foundation launched their legal action showed him sitting casually on a rock in front of water, gazing at the camera and smiling (McKenna and Maher 10/11/2015). This image invited the viewer to be on his side and did not show aggression or defiance. Once again, this was consistent with his reputation as a businessman rather than an activist.

6.6 Visualising protest

The PEL sub-corpus contained public protest images, whether connected directly to a legal event or from an organised rally against fossil fuels and/or the mine (16 images). Protests outside court were generally captured through images of a press conference outside the court (as described in Section 6.5.3.). There was one protest image where the litigant was absent. This was taken occurred during the *Land Court case* hearing in May 2015 when environmental group 350.org staged a protest outside the court. A photograph appeared in the *Central Queensland News*, with an accompanying text on the protest (Frost 29/4/2015). The image is shown in Figure 6.27.



Protesters armed with black balloons stood outside a Brisbane Court Case to show their support for a court case against mining company Adani. Coast and Country are fighting Adani in the Queensland Land Court over the proposed Carmichael Mine and the effects of the mine on climate change is one of the arguments. * Photo Pamela Frost

Picture: Pamela Frost

Figure 6.27 Image of protest outside the court (Frost 29/4/2015)

As found by Lester and Hutchins (2009), lack of coverage of this protest may be evidence news media ignored the protest, but it may also reflect the value of journalists attending court. When present at court, a journalist can report on what is happening inside the court and also what is happening physically outside the court. The image in Figure 6.27 was taken by *Central Queensland News* journalist Pamela Frost who also reported on court proceedings (see Chapter Four). She observed environmental claim making inside and outside the court. If other news outlets relied on transcripts, press releases and/or press conferences, rather than attending court, this type of staged action may have simply been missed by other journalists rather than ignored.

Apart from protests outside court, images of protest showed peaceful rallies against fossil fuels, the Adani mine and/or opening up the Galilee Basin carried out as a part of the broader campaign (11 images). Two additional images depicted indigenous protest. Protest images contained people holding banners and placards connecting the Reef, coal and climate change. These symbolised resistance and agitation against the mine project. This directly linked to the *activist tactic* frame discussed in Chapter Four and showed how news media connected the legal action with the broader campaign visually and, in doing so, amplified key campaign messages. For example, news media used images from the April 2016 Queensland Parliament protest repeatedly in texts on the *ACF case*. The protest placards within these images reinforced the key campaign messages such as ‘Reef not coal’ and used symbols, such as the film character Nemo, to emphasise the vulnerability and uncertain future of the Reef (see for example, *Australian Associated Press* 26/11/2016). This visually connected legal action testing laws protecting the Great Barrier Reef to the broader campaign. Nemo was present in four protest images referencing the Reef. Pixar creation Nemo, and his friend Dory, were used by the environmental movement as mascots to raise awareness about the Great Barrier Reef. As children’s cartoon characters, Nemo and Dory represented future

generations and their presence questioned whether the Reef would still exist for the audience's children and grandchildren. They added vivid colour (bright orange and blue) and drama to images, such as looking dead on the ground (Hannam 29/8/2016).

Of these protest images, a minority were sourced from environmental groups (three images) and one from social media. Others were taken by news outlets or the source was unknown. A social media protest image was used in a *Sydney Morning Herald* text on the *ACF case* dismissal (Hannam 29/8/2016). This text contained an image of a tweet posted by Stefan Armbruster on 29 August 2016 stating: 'Federal court rejects AusConservation environmental challenge against Adani Carmichael mine #auspol #mining #qldpol' with a photograph of anti-coal protesters in front of the Queensland Parliament with a person dressed up as Nemo lying on the ground, supposedly dead. This image had similarities to images from the April 2016 protest and was likely to be a historical image. The historical protest image was used despite the Australian Conservation Foundation's efforts to gain media attention post the *ACF case* dismissal using protest action (Australian Conservation Foundation 2016a, 2016b; Meadows, interview, 2018). The Australian Conservation Foundation organised rallies in Brisbane and Melbourne in response to the judgement. These were held on the nights of the 30 August and 31 August 2016 and people were encouraged to come along to 'Shine a Light for the Reef'. Social media was used to organise and communicate the rallies, including dissemination of protest images. The most frequent tweet during these rallies was a retweeted image of the Climate Angels standing in front of a yellow 'REEF NOT COAL' sign at the Melbourne rally. This image is shown in Figure 6.28.



Figure 6.28 Most tweeted Twitter tweet during the *ACF* case dismissal protest (Climate Guardians 2016)

The Climate Guardians are the ‘founding act’ of Clim Acts who use ‘angel iconography to highlight the vital role of guardianship of precious natural resources, both human and non-human, in addressing the global threat from climate change’ (Clim Acts 2019). The use of angels in environmental protest is not new to the environmental movement and in 2007 the Weld Angel gained visibility in news when protesting in Tasmanian old growth forests (van Vuuren and Lester 2008). In contrast to this visibility, the Climate Guardians were not found in the PEL sub-corpus. Two images of the Brisbane protest were present, taken by a journalist at the protest, but these did not visibly contain the angels. One was of the crowd and the other was a close up of a speaker addressing the rally and ‘reef not coal’ signs (Honner 30/8/2016). Instead of the angels, Nemo was present in both. There were no images of the Melbourne rally. In this circumstance the imagery resonating with protesters did not resonant with news media.

There was only one staged non-rally protest ‘image event’ in the PEL sub-corpus. This was an aerial of a beach with bodies spelling ‘Break Free’ taken after kayakers blocked the entrance to Newcastle Harbour where the world’s largest coal port is situated (*Australian Associated Press* 5/10/2016). Break Free was a global action in May 2016 aimed at disrupting coal operations (Break Free 2016). Staged ‘image events’ directly connecting coal and the Reef, such as the Greenpeace image in Figure 6.29, were not found in the PEL sub-corpus.



Figure 6.29 A Greenpeace Great Barrier Reef ‘image event’ (Greenpeace Australia Pacific 2018)

Rather than use staged ‘image events’, news media preferred protest images taken from specific Adani and anti-coal protests. This increased the news text relevance but highlighted agitation rather than manicured advocacy and reduced symbolic diversity.

6.7 Discussion

Images analysed in the PEL sub-corpus created meaning for the viewer and served a number of functions to understand PEL and the Adani conflict. These functions included (1) reinforcing the coal industry brand; (2) providing ‘mediated visibility’ for litigants and the environmental movement; (3) showing photographic evidence of biodiversity at threat and climate change impacts; and (4) demonstrating social relationships between conflict actors and legal parties. These functions were determined by image quantity and interpretation and showed consistency with a number of the image functions identified by Seppänen and Väliverronen (2003).

Dominating generic coal industry images reinforced the coal industry brand and the coal industry’s role in Australia. Images of the Indian coal industry provided evidence of the coal’s transnational destination but also reinforced Western views of mining in developing countries. These images supported the project rather than the litigant by adding no evidence to the text and drawing upon the viewer’s coal industry understanding. The images reinforced what we knew and felt about mining within a frame that excluded externalities such as environmental impacts. This was even though these images were disconnected from many personal experiences as some viewers would never have visited or worked on a mining site. Though size was highlighted through angle and distance, these images were not specific and lost drama or spectacle through repetition and familiarity. Besides from those images containing politicians, they could be in any mine or port, at any time.

Even though Marita Sturken and Lisa Cartwright (2003) argued we live in a visual society, repeated generic coal industry images discouraged the viewer to *really* look at the image. In contrast to other visual studies which showed visuals evoking an emotional and persuasive response (see for example, Jasper and Poulsen 1995; Joffe 2008; Thomsen 2015), image

familiarity meant the viewer glanced at these generic images and saw what they thought should be there. The viewer's senses and enquiring mind were dulled. Even when the frame was further tightened to emphasise coal's 'blackness', these images did not capture the imagination nor produce an emotive response. In contrast to the idea that sustainability discourses can be generated through an 'evocative visual agenda', generic coal industry images subdued this discourse by reinforcing current cultural views and acceptance (Thomsen 2015). These images supported coal as an important part of the Australian way of life and hence legal parties fighting to gain approval for the mine.

Repeated coal industry images taken by various sources demonstrated the coal industry 'yellow truck, blue sky' brand had successfully permeated how we visualised the mining industry during environmental conflict. Generic coal industry images were consistent with Machin's (2004) understanding of the generic, timeless and low modality stock image characteristics and the role image banks play in media. As a result, these generic coal industry images acted as a space filler in the digital news world and did not encourage deeper consideration of PEL or the Adani conflict, further supporting Machin and Hansen's (2008) conclusions that corporate branding and marketing influence how society thinks about environmental issues and problems.

The generic coal industry image was a tightly controlled view of mining. Within generic coal industry images environments surrounding the mine sites and any environmental problems were absent. Unlike images which draw upon the 'toxic sublime', where devastated environments are depicted in stunning ways making interpretation complex (Peeples 2011), the generic coal industry image did not significantly challenge or question the reader nor push cultural boundaries Australians have with the coal industry. Within the PEL sub-corpus there were some images which challenged this mining frame, including the Alpha mine viewed aerially and appearing 'toxic', Abbot Point Port positioned to emphasise the surrounding

environment and the empty Galilee Basin. These were often supplied by environmental groups and provided diversity, challenged the coal industry brand and supported place-based knowledge. This was consistent with other environmental group produced imagery for protection campaigns (see for example, Schwarz 2013) and subtlety achieved mediated visibility for the campaign. Supplying images of mine sites which conjured ‘toxicity’ in the viewer’s mind (without any evidence) was an interesting version of an ‘image event’ (Delicath and Deluca 2003). This was in contrast to the visually dull and inconspicuous toxic nature of other environmental problems (Peeples 2013). However, as observed by Seppänen and Väliverronen (2003), the aerial Galilee Basin images may have separated the viewer from environmental issues due to the ‘safe distance’ from which they were viewed. The aerials provided little detail nor a sense this was a special place deserving protection.

Comparatively, Abbot Point Port images directing the eye to the ocean or embedding the port within wetlands were more effective at projecting environmental concern.

Aerial images of the Galilee Basin built project context and filled some site-specific voids. The lack of site-specific images was potentially due to the difficulty gaining access to the site, including the area’s remoteness and whether Adani allowed news media on site. At the time of the PEL cases, the Carmichael mine was invisible in some respect as the mining pits were yet to be constructed. The land existed, initial low-grade work had occurred, but the hole had not been dug. This made communicating through visuals difficult and it was easy for a news outlet to use a stock image. The consequence was few images in the PEL sub-corpus gave the viewer a sense of the mine site and it was therefore difficult to understand the project scale and impact. Instead generic images filled this void. Rather than take Julie Doyle’s (2007) stance that environmental groups, such as Greenpeace, consider trying to convince the public some environmental issues are invisible, these findings indicated visual

silence would be replaced by a generically available alternative which would not challenge the status quo.

Images in the PEL sub-corpus functioned to support legal grounds and key campaign messages related to the mine's threat to biodiversity and the Great Barrier Reef. Images of protected species and the Reef created a connection with nature. Protected species photographs provided 'authentication' or 'evidence' that these rare species existed and promoted the natural beauty of the species and places (Seppänen and Väliverronen 2003). Skink, snake and finch images engaged the viewer and drew out emotive responses dependent upon their experiences and belief systems. This was particularly important for these species as they would be rarely seen within their natural habitat and they did not all fit the 'cute and cuddly' category. This was consistent with Seppänen and Väliverronen's (2003) understanding of how endangered species photographs are a 'window of reality' for news stories (82). Even though these photographs provided proof of existence there was still a sense of detachment. Images were taken close up but there were no people and the broader environmental context was not clear. As with the aerial Galilee Basin images, there was a 'safe distance' between the animal and the viewer. In the case study, this was potentially overcome by humanising animals and making them more relatable in satirical cartoons.

Great Barrier Reef images challenged this 'safe distance' by including people and drawing upon personal experiences such as snorkelling and diving. These images promoted the Reef as healthy rather than the reality it was experiencing and would face in the future. Coral bleaching was not ignored in the PEL sub-corpus and photographs provided proof climate change was happening. There was an eerie calm sadness about these images, rather than a 'moral shock' as described by James Jasper and Jane Poulsen (1995) in the context of animal rights movement images. The images created a sense of distance and spectatorship rather than ownership and involvement in the problem (Seppänen and Väliverronen 2003). Images

of divers in blue water swimming above dead coral extended the ‘toxic sublime’ to show devastated coral in a stunning setting (Peeples 2011). This beauty deviated the viewer’s mind from what they were actually seeing.

The response to these bleached coral images poses a conundrum to those communicating climate change impacts. These images provided a real alternative to the more representative and iconic climate change images found in news media (Hansen and Machin 2013b) and were consistent with Smith and Joffe (2009) who observed news media visuals showing tangible impacts of climate change. However, photographs of dead coral potentially tapped into feelings of hopelessness and hence the reaction to this impact may not be to activate change but rather stick one’s head in the sand.

As well as supplying images and gaining visibility of legal grounds and campaign messages, images in the PEL sub-corpus increased litigant and environmental campaign ‘mediated visibility’ (Thompson 2005). This was observed in legal ‘image events’ and protest images. Litigants attempted to gain news media attention by conducting press conferences outside the court. Images of press conferences showed immediacy, transparency and drew upon legal symbols. The use of legal symbols may have increased the viewers sense of legitimacy, as found by Gibson et al (2014), and hence achieved greater public acceptance of legal action against the mine.

There were cases where the legal ‘image event’ was combined with small scale protest. Compared to the well-studied image events of protest and stunts, the legal ‘image event’ was more restrained in nature, reflecting legal tactic characteristics, rather than the drama and spectacular of mass protests, or the Sea Shepard dangerously taking on Japanese whaling ships (Cottle and Lester 2011; Delicath and Deluca 2003; Lester 2010). The decision to include small scale protest in these images appeared to align with the litigant’s brand

characteristics. Without protest, the legal ‘image event’ placed the litigant outside the colourful arena of protest and positioned them in the suited corporate and political space. This lens challenged the noisy fringe activist perspective and drew upon respect for the legal system and environmental protection. The framing of litigants as activists was observed when litigants were in images alone, although this also depended upon the litigant’s brand. Even though the legal ‘image event’ demonstrated a bridge between legal discourse and news media, these images were not circulated widely within the PEL sub-corpus. Individual images were not repeated in other news texts or used to support other stories. They appeared to capture a moment and remained within this time in the news cycle. This was in contrast to other staged event images (such as protest) and generic coal industry images which flowed through time. The litigant and court ‘image event’ was not adapted by news outlets to support other stories about the conflict. Instead, the *concept* of the litigant and court ‘image event’ flowed through time and reminded the audience at each legal moment. This inferred that unless the litigant tried to interact with news media during the legal moment, this ‘image event’ would not be captured and news outlets would use a more generic image, such as one of protest or the coal industry.

Protest images were used to visually represent PEL. As well as increasing visibility, these images functioned to align PEL with the campaign against the mine and showed agitation and push for change. Protest images were representative of the campaign and were observed extending the legal ‘image event’ when seen in the background. Symbols (such as Nemo) and slogans (such as ‘Reef not coal’) communicated key campaign messages quickly with clarity and were consistent with findings from other environmental communication research on how environmental groups gain media attention (Anderson 2014, 2015; Delicath and Deluca 2003; Lester 2010). From the PEL sub-corpus, it appeared news outlets were drawn to Nemo rather than other symbolic images, such as the Climate Guardians. This may be due

to the recognisable characteristics of the cartoon character and the direct connection with the Reef.

Compared to legal ‘image events’, protest images depicting messages aligned with legal grounds appeared to have a longer news life and were more adaptable to different news texts. They were more dramatic and colourful than the formal constrained legal ‘image event’. Protest images did not need to be specific to the case, as shown by the ‘Shine the Light on the Reef’ social media analysis, but rather specific to the cause. Protest images also reinforced the connection between the environmental movement and protest action, demonstrating limited opportunity to use legal symbols to communicate PEL.

The ‘Shine the Light on the Reef’ rally analysis showed how social media can be a closed environment and how the energy gained by some images in social media did not flow through to news media. Even though research showed social media can act as a transformative space for social movements (see for example, Agarwal et al 2014; Bennett and Segerberg 2012; Penney and Dadas 2014; Theocharis et al 2015), in this circumstance news media did not use the largest retweeted image on Twitter and instead used their own generated images to support text.

Images in the PEL sub-corpus functioned to highlight social relationships, particularly the relationship between Adani and governments and the relationship between environmental groups and community legal services. There were no images where conflict actors from opposing sides were within the one image. The relationship between the court and Adani and the relevant Minister was absent, with no images of these legal parties in similar situations as the litigant legal ‘image event’. Images of both politicians and Adani appeared to be more controlled and were taken at press conferences far from court spaces or staged events promoting positive relationships and support for the mine. These were more intimate close

up images, often with engagement with the viewer through gaze and smile. The lack of images connecting these actors and the court was not surprising. These actors were challenged by the litigant and likely to be trying to control their news media visibility and potential scandals (Thompson 2005).

Apart from the litigant press conference outside the court and images of the litigant's solicitor, a noted absence in the PEL sub-corpus was the lack of visuals related to the legal system, including legal actors and evidence. Legal actors not visually present included judges, barristers and the opposing side's solicitors. This was in contrast to Solberg and Waltenburg (2014) who found news media in the US developed a 'cult of personality' when reporting on cases, particularly around judges (note comparison with this study was limited as it was based in the US and on news text rather than images). Within images, the court was represented by the image of the court building in the background. Other commonly used legal symbols, such as the gavel, were rarely used. Use of the court building in images supported the representation of courts as independent and apolitical through 'distance' and supported public acceptance of court decisions (Davis 2014; Gibson et al 2014).

Within the PEL sub-corpus there were minimal images supporting conflict resolution or problem solving. For example, there was only one renewable energy image, a solar farm in India. This potentially reflected the PEL process which is focused on dispute resolution by determining which legal party is right, rather than problem solving or coal alternatives. Reporting on the legal campaign, therefore, reduced the ability for the environmental campaign to be solution focused. This minimised the campaign's ability to engage with a broader audience through news and reinforced 'intractable conflict frames' (Lewicki et al 2003).

Based upon the PEL sub-corpus of images, news media visualised PEL through a coal industry lens and used images of both Australia and India to communicate the transnational nature of the Adani conflict. These generic images stifled emotional or persuasive responses and supported the status quo. PEL was seen as an extension of protest even though there were images which drew upon the reverence for the court and gave litigant's 'mediated visibility'. Images of street protest and defiant litigants reinforced the cliched images of activists and activism. There were some images which drew upon legal grounds, such as biodiversity threats. However, these were viewed from a distance and, in the case of the Reef, created an idealised view of nature. The legal system was largely absent from images, with political actors the most dominant actors. In this sense, images supported the understanding of PEL as a politicised practice, emphasising ideologies and conflict actor claims, rather than the law and the independent role of the court.

7 CONCLUSION: PUBLIC ENVIRONMENTAL LITIGATION AND THE POLITICS OF COAL, CORAL AND COURTROOMS IN NEWS

7.1 Introduction

By the end of 2017 Public Environmental Litigation (PEL) against the Adani mine had connected coal and coral in the courtroom for over three years. Using PEL the environmental campaign had temporarily stopped the mine, improved environmental approval conditions for the black throated finch and delayed final environmental approvals by over two years.

Drawing upon the depth of the case study, this research aimed to explore the relationship between environmental campaigns, PEL and media and communications to understand how this nexus contributes to public debate on environmental issues. Both traditional qualitative and quantitative discourse analysis and media research methods were applied to extend ‘mediatized environmental conflict’ to the legal sphere and determine the influence on news media representation (Hutchins and Lester 2015).

7.2 PEL and mediatized environmental conflict

Through discourse analysis of news texts, interviews and observation, this research found PEL conducted as part of an environmental campaign was represented in news media as a political act and viewed as an extension of protest rather than promoting the role of law in society. In the case study, four news coverage phases of the Adani conflict were found (1) the *Early Years*, (2) *Conflict Builds*, (3) *Legal Action* and (4) the *Household Name* phase. PEL events across these phases were described as a series of battles in an ideological war against the fossil fuel industry and images of defiant litigants and street rallies reinforced

clichéd ideas of activism. The language used to describe PEL aligned with five frames: (1) *court conflict*, (2) *activist tactic*, (3) *public right*, (4) *bureaucracy* and (5) *criminality*. Four out of five of the PEL frames represented conflict actor claims and were divided into ‘for’ and ‘against’ the mine; creating oppositional frames and reflecting the ‘intractable’ nature of the conflict (Lewicki et al 2003). This framing directly contributed to the politicisation of PEL.

In the case study, *court conflict* was the most dominant frame in headlines and set a winners and losers tone for conflict actor claims. This was similar to Spill and Oxley’s (2013) description of news coverage of legal cases as ‘sporting events’. Governments and industry promoted the *activist tactic* frame which focused on the act of PEL. The frame was a distraction aimed at undermining the legitimacy of the litigant. Litigant intentions were examined closely, and litigants labelled as ‘outsiders’ and ‘activists’. This deepened as more cases provided evidence of misuse of the law. Elements of the ‘protest paradigm’ were visible with marginalised framing and use of violent terms, such as ‘sabotage’, to describe conservation groups taking legal action (Reul et al 2016). The *bureaucracy* frame, also voiced by industry and governments, was less influential but worked with the *activist tactic* frame to describe an industry under pressure from regulation and activists, as observed in coal industry campaigns by Schneider et al (2016). This frame placed industry as the victim of a burdensome legal system. The *activist tactic* and *bureaucracy* frames were countered by the *public right* and *criminality* frames voiced by the litigant, litigant legal team and environmental groups. The *public right* frame supported the community right to take legal action to protect the environment and broadened with the introduction of new cases. The *criminality* frame was rarely present, only voiced by litigants, and considered too alarmist for news outlets to use extensively. Difficulties describing environmental harm as environmental

crime was consistent with Clifford and White's (2016) conclusions on media silence on environmental crime.

The political representation of PEL and the role of PEL frames in the case study were influenced by a surprise legal outcome in August 2015 when the Federal Court set aside the Adani mine's Federal Government environmental approval in response to legal action initiated by the Mackay Conservation Group, an environmental group involved in the campaign against the mine (the *MCG case* order). The mine was temporarily stopped when all parties to the case agreed the Federal Environment Minister had not considered conservation advice for the vulnerable Yakka Skink and Ornamental Snake. This event caused the first 'critical discourse moment' in news coverage of the Adani conflict and amplified *activist tactic*, *public right* and *bureaucracy* news framing (Carvalho 2008). Politicians and industry whipped up anti-environmental group sentiment and introduced terms such as 'sabotage', 'vigilante' and 'lawfare' to describe PEL. Environmental and legal groups responded by espousing the importance of community groups, the role of law in a democracy and the separation of politics and the courts. Through this divided discourse political opportunity arose for legislative change and the Federal Government proposed to amend the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) to restrict conservation group standing in court. The proposed amendments forced environmental groups to move resources away from campaigning against the mine to defending their right to take legal action.

Despite the Federal Government's unsuccessful attempt to amend the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), the threat of legal constraint lingered through time and a discursive struggle between the *activist tactic* and *public right* frames ensued. Each time a PEL event against the Adani mine occurred discourse triggered questions of legal legitimacy resulting in the *activist tactic* frame more present than the *public*

right in headlines. Politicians contributed to this news atmosphere and were highly visible in images and as sources. Political comments sometimes outweighed the newsworthiness of PEL cases and litigants and their prominence as ‘primary definers’ influenced news (Hall et al 1975). Images of politicians also merged with generic images depicting the ‘yellow truck, blue sky’ brand of the Australian coal industry which encouraged viewers to not really look nor challenge society’s acceptance of the industry. Images of politicians shaking hands with industry further cemented strong social relationships between these conflict actors and political support for the project. News media production processes also encouraged a political view with journalists who reported three or more times on PEL events often being political or generalist reporters rather than specialist court or environmental reporters.

Together with PEL as a political act and an extension of protest, PEL sustained news coverage of the case, campaign and the cause in news, particularly in communities where the case would affect the most. Legal cases were a string of proceedings following the rhythm of the legal process, unlike one-off disconnected protests or ‘image events’ (Delicath and Deluca 2003). When conservation group claims moved from websites and protest placards into court rooms, the power of the law and public interest in court cases ensured consistent news media attention. In the case study, the number of legal cases and their staggered flow through different court systems kept news fresh. The local news outlet, the *Central Queensland News*, had journalists in court and if other metropolitan and national news outlets had no journalists spare, used news agency texts to report on events. As such, news outlets in the case study did not grow tired of PEL as a claim-making form and event-based journalism maintained PEL in the news.

Continuing news coverage of PEL and the ongoing struggle between the *activist tactic* and *public right* frames demonstrated the destabilising power of PEL by conservation groups in ‘mediatized environmental conflict’ (Hutchins and Lester 2015). Power shifted constantly as

legal cases progressed and decisions were handed down. In this space, conservation groups as litigants did not struggle to gain media attention and had a high ‘mediated visibility’ (Thompson 2005). Across the case study, litigants were highly visible as sources and gained priority in news. Case filing was particularly a time of litigant power, as they challenged governments and industry and forced public comments. Images of a suited serious litigant and the courthouse projected credibility and legitimacy, and litigants were supported by alternative voices, such as other environmental groups and their legal team. Expert witnesses for the litigant transitioned into environmental campaigners and re-injected court-based evidence into news at ‘optimum times’ with authority. Society’s reverence to the law and the strength of legal symbols provided litigant legitimacy and an alternative view of activism. This was a frame which protesters holding placards in the street cannot achieve and gave litigant’s greater power in the news.

Litigant news visibility and PEL newsworthiness was heightened by the natural fit between legal grounds and campaign concerns, combined with international climate change policy and Great Barrier Reef coral bleaching events. The *ACF case* (where the Australian Conservation Foundation challenged the Federal environmental approval of the mine based upon climate change grounds) exemplified these findings and litigants drew on these themes as they entwined legal language with emotive campaign discourse, took journalists on tours of the Great Barrier Reef and used international climate change targets in legal argument.

Environmental risks and Australia’s custodial role for the Great Barrier Reef were emphasised by news outlets in images of industrial landscapes juxtaposed against remote untouched areas and expanses of blue ocean. Photographic evidence of biodiversity at threat and climate change impacts, including bleached coral, were also present in news. These images helped to promote litigant’s messages, but it should be noted that environmental images were limited in the case study and when used tended to be viewed from a distance

leading to a sense of separation. Great Barrier Reef images generally created an idealised view of nature as a tourist experience, while the few images of bleached coral extended the concept of the ‘toxic sublime’ and the quiet stillness of the white underwater graveyard reduced outrage responses (Peeples 2013).

Increased litigant power during PEL was contrasted by opposing legal parties who attempted to downplay the story and minimise ‘mediated visibility’ (Thompson 2005). Management of legal risks and reputation hindered their communication style. Opposing legal parties used the veil of court cases to be defensive, risk-averse and controlled in their interaction with news media. The legal concept of *sub judice*, which restricts the public discussion of material relevant to a court case, discouraged interaction with journalists but also legitimised ‘no comment’. Regardless of these efforts, this strategy did not lead to decreased ‘mediated visibility’ for these conflict actors. Journalistic court reporting conventions of balance and objectivity, and the tendency to report court cases as ‘sporting events’, led to sourcing from both legal sides, even if one side had only provided limited or no comment (Oxley and Spill 2013). Opposing legal parties become visible in news when it was clear they did not wish to be.

To counter increased litigant power, industry and governments used other voices and discursive distractions to move discourse away from legal grounds and towards the act of PEL. Industry lobby groups and other politicians who were not legal parties became influential in mediatized environmental conflict and communicated without the tension of *sub judice*. They spoke more freely than others and used flamboyant language similar to that used by environmental groups to gain media attention. In the case study, the industry body Queensland Resources Council was constantly in the news responding to PEL events to ensure journalists were reminded of the environmental movement’s 2011 strategy *Stopping the Australian Coal Boom*. Industry and governments labelled litigants as ‘outsiders’ and

‘activists’, alleged legal action was foreign funded and questioned the sensibility of their legal arguments. These all challenged their authority to represent the local community and aimed to reduce the power of the litigant. However, government and industry *activist tactic* claims also opened mediated opportunities for litigants to counter with the *public right* frame. For example, when the Prime Minister called PEL ‘sabotage’ in response to the *MCG case* order a legal industry body spoke out and gained news coverage. Without accusations of *activist tactics*, the *public right* claims would not have made news. Litigants were also prepared for the *activist tactic* frame and re-positioned their communication and legal strategies to emphasise connections with the community and the local, including choosing community-based litigants to create a human face for news.

Within this discursive tussle, there was recognition the ‘local’ was important from both sides. The debate centred on the definition of the ‘local’ and who had the right to be heard by the court. The *activist tactic* frame rejected the legitimacy of ‘activists’ to take legal action and limited the definition of the ‘affected public’ to the geographical local (Lester 2016a). The *public right* frame drew upon community rights enshrined in law to justify legal action but also responded by re-framing to the local. By emphasising personal litigant characteristics, the campaign re-established legitimacy and directly encouraged news coverage. In the circumstance of PEL, the law may allow a broader definition of who may be heard in court, but news discourse forced a narrower view of legitimacy. When discourse reinforced environmental claim-makers were ‘outsiders’, there was political opportunity to limit ‘social licence to operate’ to the geographical local. This reduced the power of the litigant and the strength gained from national and transnational connections. The discursive fight about who was ‘local’ had the potential for far reaching consequences on the environmental campaign’s future opportunities for legal action as well as legal action taken for other causes.

Beyond the tussle between conflict actors, PEL also introduced the legal sphere to mediatized environmental conflict. News media used judgements as sources and court-based discourse to tell stories. During the *Land Court case* hearing, news outlets sourced court room dialogue to tell news stories in all coverage. All other hearings were judicial reviews and the technical legal nature of these hearings did not attract the same level of attention. However, evidence flowed unevenly from the Land Court due to controversy, news currency, newsworthiness of expert witnesses and the presence of scientific and legal discourse complexity. Some evidence, such as that related to water impacts of the mine, were hardly reported and the controversy over jobs evidence was selectively covered by news outlets. During the *MCG case* order controversy, absence of legal discourse from the Federal Court of Australia led to increased reliance on conflict actors and demonstrated language barriers created by legal discourse and its intended legal audience as described by Johnston and Breit (2010). When this led to inaccurate reporting, the Federal Court of Australia made a rare public statement to correct these reports. However, news media largely ignored this intervention in favour of more prominent and salient political discourse, showing the complicated relationship between courts and the media.

The influence of conflict actors claims on PEL news coverage compared to legal actors was further demonstrated by the visibility of legal actors. Of all types of court events, judgements received the greatest news attention but most legal actors, including judges, were not highly visible as sources nor in images. Consistent with Jamieson (1998), a judge may trigger news, but the story was told through the interpretative responses of other actors. The importance of conflict actors and their interaction on PEL news coverage was physically demonstrated through the press conference outside the court. This was a place for all conflict actors, even those who were not legal parties, to jostle for news media priority and interpret court decisions. Conflict actors interviewed for this research commented on the importance of this

media engagement in how news was framed. As a result, information not tested by the court, but communicated with the symbolic court structure in the background, influenced discourse and diminished the role of the court (but not the symbolic reference to the court).

The exception in the legal sphere was the litigant's legal solicitor who was the most visible legal actor as a source and in images, though always shown in a supportive manner and rarely the priority source. As member of a not-for-profit community legal group, the litigant's solicitor played a trifecta role in the debate—translating environmental law, supporting their client and lobbying for improved environmental protection. However, this visibility opened their identity to challenge and furthered the idea that the litigant's solicitor was not a legal actor, but a conflict actor. Identity became even more confusing when not-for-profit community legal groups engaged in transnational environmental campaign activity and injected legal discourse into the news outside of PEL. These acts gained media attention but also provided evidence for mine supporters that environmental lawyers, or 'cause lawyers', were carrying out activism and gave a platform to argue these actors were not independently carrying out their legal role (Sarat and Scheingold 2006). This further challenged the legitimacy of the legal action.

Blurred identities during PEL extended beyond the legal sphere as in-court and outside court claims wove through news reports. Litigants were a part of the environmental campaign and expert witnesses transitioned to expert sources. These blurred identities supported 'mediated visibility' but also confused the discursive space (Thompson 2005). Where there was confusion, there was power for the opposing side, and mine supporters took the opportunity to label any conflict actors against the mine 'activists' and claimed they are unable to represent the local. Other voices, such as scientists and farmers, were also crowded out of news coverage, reducing the depth of coverage and limiting the legal reasoning and scientific aspects.

From a transnational perspective, the flow of PEL news to India was mixed. Consistent with Australia, controversial case outcomes gained greater coverage than other cases. The involvement of Indian litigants also made little long-term impact on news in either countries. However, Adani was clearly defined as Indian, the 'Indian' image category was influential and transnational sources, such as international NGOs, were present in texts. As the Indian corpus was only analysed for text frequency, and not language, sources or images, this aspect of the research requires much deeper analysis to conclude the degree of influence of transnational PEL news flows on environmental debate and the development of 'imagined communities of risk' between countries (Beck 2011). The 'glocalisation' of the environmental campaign and legal action taken against Adani within the Indian context requires further work (Robertson 2012).

By extending the theory of mediatized environmental conflict to the legal sphere, my research uncovered changing power dynamics during PEL and the discursive interplay between conflict actors as they worked to re-dress these positions. This is the first significant study of the relationship between environmental campaigns, PEL and media and communications and fills a knowledge gap of how PEL is represented in news. The research adds to many fields, including media and communications, social movements, environmental politics and law. My research also contributes empirically to the environmental communication field using a globally significant case study, the Adani conflict. Not only does this case study offer depth, it also provides a longitudinal view of environmental conflict; a much-needed perspective beyond a 'moment' in time (Carvalho 2008). This builds upon the overall understanding of the role of news media in environmental conflict, the politicisation of environmental debates and the relationships between those forming the news.

This research needs to be considered in light of some research limitations, including data collection constraints, a non-representative interview sample (in terms of types of conflict

actors), the limited analysis of Indian news texts and the inability to observe court proceedings or access court transcripts. These were highlighted in Chapter Three and the approach altered to limit impacts on findings. These research limitations provide opportunities for future research, including extending the case study to include the final PEL case initiated against the mine by the Australian Conservation Foundation in 2018, interviewing those not represented (such as journalists and courts), further analysing transnational flows of PEL news from Australia to India and building knowledge of the impact of data sources on media and communications research.

There are also new avenues for scholarship to build upon the understanding of PEL gained in this research, particularly with the Adani conflict continuing and the range of campaign tactics used in the fight against it. A replica study could be applied to the native title legal cases initiated to stop the mine to compare between news representation of PEL and native title cases and gain further knowledge of conflict actor relationships. Absent voices in PEL, such as farmers and scientists, could also be evaluated to determine whether this is a PEL phenomenon or a broader issue in the Adani conflict. This work would build upon other environmental communication research on who has voice in news media and why (see for example, Anderson 2011). PEL also exists beyond the Adani conflict and provides research opportunities to compare between campaigns, industries and litigation types. For example, the growing use of climate change litigation as a tool to force government policy change. This research would help to determine if there is a cycle of ‘mediated visibility’ (or a media template) during PEL (Thompson 2005).

In conclusion, this research demonstrates a changing relationship between environmental campaigns, PEL and media and communications over time. Despite the legal sphere extending mediatized environmental conflict to include legal actors, PEL is represented as a political act rather than placed in the legal realm (Hutchins and Lester 2015). PEL

destabilises power dynamics between conflict actors and provides opportunities for conservation groups as litigants to gain news attention in a way unachievable through other claim-making forms, such as protest. Within this space, litigants must be able to withstand and re-frame accusations of being ‘activists’ and persistent reference to society’s acceptance of the coal industry. If public support for the case, campaign and the cause is eroded through discourse—leading to political opportunity restricting who can be heard in court—the ‘social licence to operate’ firmly remains in the geographical local and may limit the ability of environmental campaigns to initiate PEL. These conclusions show the importance of studying environmental campaign tactics beyond traditional protest forms and highlight the importance of the legal sphere to mediatized environmental conflict and environmental politics.

8 REFERENCES

- ABC 730 Report, 2017, Bill Shorten in bind over Adani coal mine, *Australian Broadcasting Commission*, 12/4/2017, as accessed 23/5/2017, <https://www.abc.net.au/7.30/bill-shorten-in-bind-over-adani-coal-mine/8440512>
- ABC Lateline, 2015a, Panel debate: Michael Roche, Executive Director of the Queensland Resources Council and Jeff Smith, *Australian Broadcasting Commission*, 19/8/2015, as accessed 15/3/2019, <https://www.abc.net.au/lateline/panel-debate-michael-roche-executive-director-of/6710022>
- ABC Lateline, 2015b, Interview: Geoff Cousins, Australian Conservation Foundation president, *Australian Broadcasting Association*, 9/11/2015, as accessed 23/5/2017, <https://www.abc.net.au/lateline/interview-geoff-cousins-australian-conservation/6925928>
- ABC News, 2014, Queensland taxpayers to help fund Abbot Point coal rail line, *ABC News*, 17/11/2014, as accessed 7/4/2019, <https://www.abc.net.au/news/2014-11-17/rail-line-to-link-australias-biggest-mine-to-port/5896154>
- ABC News, 2017a, Great Barrier Reef avoids 'in danger' status after UNESCO decision, *ABC News*, 6/7/2017, as accessed 22/8/2019, <https://www.abc.net.au/news/2017-07-06/great-barrier-reef-avoids-in-danger-status-after-unesco-decision/8683970>
- ABC News, 2017b, Interview with ABC Radio Brisbane – Minister of Resources Matt Canavan, *ABC Radio Brisbane*, 12 April 2017, as accessed 23/1/2017, <https://www.minister.industry.gov.au/ministers/canavan/transcripts/interview-abc-radio-brisbane>.
- ABC News, 2019, *Josh Robertson*, as accessed 3/2/2019, <https://www.abc.net.au/news/josh-robertson/9196908>
- ABC News, Australian Associated Press, 2013, Guardian to launch Australian online edition, *ABC News*, 17/1/2013, as accessed 20/2/2018, <http://www.abc.net.au/news/2013-01-16/guardian-launching-australian-online-edition/4466636>
- ACELET, 2017, *Australian Mining Making the future possible*, as accessed 15/11/2017, http://coal.makingthefuturepossible.info/energymix/?utm_campaign=ACALET_AisaEnergyMix&utm_medium=paid_social&utm_source=facebook&utm_content=INDUST_AsiaNeedsAusCoal&utm_term
- Adani Australia, 2016, *Facebook post 29 August 2016*, as accessed 1/2/2018, <https://www.facebook.com/adaniaustralia/>
- Adani Australia, 2018a, *Adani Australia website*, as accessed 5/4/2019, <https://www.adaniaustralia.com/>
- Adani Australia, 2018b, *Media release: Adani: we have finance and we are ready to start*, as accessed 5/4/2019, <https://www.adaniaustralia.com/-/media/181129-MR-Adani%20ready%20to%20commence%20works-%20FINAL%20AUST>
- Adani Australia, 2018c, *Carmichael coal mine*, as accessed 5/4/2019, <https://www.adaniaustralia.com/projects-businesses/mine>
- Adani Australia, 2018d, *Abbot Point Port*, as accessed 5/4/2019, <https://www.adaniaustralia.com/projects-businesses/abbot-port>

- Adani Australia, 2018e, *Carmichael Rail*, as accessed 4/4/2019, <https://www.adaniaustralia.com/projects-businesses/rail>
- Adani Group, 2019, *Adani Group About Us*, as accessed 30/7/2019, <https://www.adani.com/about-us>
- Adani Infrastructure, 2018, *EPBC Act Referral-North Galilee Water Scheme (NGWS) Project*, as accessed 20/8/2019, http://epbcnotices.environment.gov.au/_entity/annotation/2633c814-db6a-e811-817f-005056ba00a7/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1537325913242
- Adani Mining, 2012, *Carmichael Coal Mine and Rail Project Environmental Impact Statement Executive Summary*, as accessed 20/12/2017, <http://eisdocs.dsdip.qld.gov.au/Carmichael%20Coal%20Mine%20and%20Rail/EIS/EIS/Project%20Wide/executive-summary-project-wide.pdf>
- Agarwal, S, Bennett, W, Johnson, C, Walker, S, 2014, A Model of Crowd-Enabled Organization: Theory and Methods for Understanding the Role of Twitter in the Occupy Protests, *International Journal of Communication*, 8, pp. 646-672.
- Allan, S, Ewart, J, 2015, Citizen science, citizen journalism: New forms of environmental reporting, in Hansen, A, and Cox, R, (eds), *The Routledge Handbook of Environment and Communication*, Routledge, London, pp. 186-196.
- Amit, R, 2011, Winning isn't everything: Courts, context, and the barriers to effecting change through public interest litigation, *South African Journal on Human Rights*, 27(1), pp. 8-38.
- Anderson, A, 1997, *Media, Culture and the Environment*, UCL Press, London.
- Anderson, A, 2011, Sources, media, and modes of climate change communication: the role of celebrities, *Climate Change*, Volume 2, pp. 535-546.
- Anderson, A, 2014, *Media, Environment and the Network Society*, Palgrave Macmillan, Basingstoke.
- Anderson, A, 2015, News Organisation(s) and the Production of Environmental News, in A Hansen and R Cox (ed), *The Routledge Handbook of Environment and Communication*, Routledge, New York, pp. 176-182.
- Andrews, L, 2006, Spin: from tactic to tabloid, *Journal of Public Affairs: An International Journal*, 6(1), pp. 31-45.
- Appadurai, A, 1996, *Modernity at Large: Cultural Dimensions of Globalization*, University of Minnesota Press, Minneapolis.
- Arup, T, 2014, Environmentalists take government to court over Barrier Reef plans, *The Sydney Morning Herald*, 24/3/2014, as accessed 25/3/2018, <https://www.smh.com.au/politics/federal/environmentalists-take-government-to-court-over-barrier-reef-plans-20140323-35bld.html>
- Aston, H, 2015, 'Moral' imperative in Australia's biggest coal mine, says Resources Minister Josh Frydenberg, *The Sydney Morning Herald*, 18/10/2015, as accessed 20/12/2017, <http://www.smh.com.au/federal-politics/political-news/moral-imperative-in-australias-biggest-coal-mine-says-resources-minister-josh-frydenberg-20151017-gkbu0s.html>

- Aulakh, R, 2015, Seeds of a grassroots climate change movement, *The Toronto Star* (Ontario, Canada), 5/7/2015, p. IN3, online NewsBank.
- Australian Associated Press, SBS, 2019, Adani bankrupts traditional owner in Queensland, *SBS*, 16/8/2019, as accessed 23/8/2019, <https://www.sbs.com.au/news/adani-bankrupts-traditional-owner-in-queensland>
- Australian, The, 2019, *Michael McKenna*, as accessed 28/3/2019, <https://www.theaustralian.com.au/author/Michael+McKenna>
- Australian Bureau of Statistics, 2012, *History of Coal Mining*, accessed 10/4/2019, <http://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/1301.0Feature%20Article1271910?opendocument&tabname=Summary&prodno=1301.0&issue=1910&num=&view>
- Australian Bureau of Statistics, 2016, *8415.0 - Mining Operations, Australia, 2014-15*, as accessed 6/4/2019, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/8415.0Main%20Features32014-15?opendocument&tabname=Summary&prodno=8415.0&issue=2014-15&num=&view=>
- Australian Conservation Foundation, 2015a, *Media release: ACF to challenge approval of Adani coal mine*, 9/11/2015, as accessed 15/3/2019, https://www.acf.org.au/acf_to_challenge_approval_of_adani_coal_mine
- Australian Conservation Foundation, 2015b, *Media release: Federal Court revokes Adani mine approval: now Greg Hunt must reject the proposal*, 5/8/2015, as accessed 15/3/2018, https://www.acf.org.au/federal_court_revokes_adani_mine_approval_now_greg_hunt_must_reject_the_proposal
- Australian Conservation Foundation, 2016a, *Media release: Shine a light for the Reef tonight in Melbourne*, 31/8/2016, as accessed 15/3/2017, https://www.acf.org.au/shine_a_light_for_the_reef_tonight_in_melbourne
- Australian Conservation Foundation, 2016b, *Media release: Shine a light for the Reef tonight in Brisbane*, 30/8/2016, as accessed 15/3/2017, https://www.acf.org.au/shine_a_light_for_the_reef_brisbane
- Australian Conservation Foundation, 2016c, *Media release: Adani's Carmichael mine: ACF will not give up*, 29/8/2016, as accessed 15/3/2017, https://www.acf.org.au/adani_s_carmichael_mine_acf_will_not_give_up
- Australian Conservation Foundation, 2016d, *Media release: Weak conditions of approval for giant coal mine give Adani a 'licence to kill'*, 12/9/2016, as accessed 15/3/2017, https://www.acf.org.au/weak_conditions_give_adani_a_licence_to_kill
- Australian Conservation Foundation, 2016e, *Facebook post 29/8/2016*, as accessed 30/8/2016, <https://www.facebook.com/AustralianConservationFoundation/>
- Australian Conservation Foundation, 2018, *ACF to challenge Federal Government failure to apply the water trigger to Adani pipeline plan*, 4/12/2018, as accessed 2/4/2019, https://www.acf.org.au/acf_challenge_water_trigger
- Australian Conservation Foundation, 2019, *ACF wins legal challenge to Adani's water scheme approval as Federal Government concedes case*, 12/6/2019, as accessed 30/7/2019,

- https://www.acf.org.au/acf_wins_legal_challenge_to_adanis_water_scheme_approval_as_federal_govt_concedes_case
- Australian Government, 2011, *Emission Sources: Climate (2011)*, as accessed 7/8/2019, <https://soe.environment.gov.au/theme/climate/topic/emission-sources>
- Australian Government, 2016, *Australia's emissions in context: Climate (2016)*, as accessed 7/8/2019, [https://soe.environment.gov.au/theme/climate/topic/2016/australias-emissions-context#Australia s_emissions_in_context](https://soe.environment.gov.au/theme/climate/topic/2016/australias-emissions-context#Australia_s_emissions_in_context)
- Australian Regional Media, 2018, *Brands*, as accessed 20/2/2019, <http://apnarm.com.au/brands/>
- Axford, B, 2016, Connectivity and Consciousness: How Globalities are Constituted through Communication Flows, in Robertson, R, and Buhari-Gulmez, D, (eds), *Global Culture: Consciousness and Connectivity*, Ashgate, Surrey, UK.
- Backhouse, A, 2018, Adani protesters shut down key export port, *Sunshine Coast Daily*, 18/1/2018, as accessed 7/8/2019, <https://www.sunshinecoastdaily.com.au/news/activists-shut-down-adanis-abbot-point-coal-termin/3313137/>
- Bacon, W, Nash, C, 2012, Playing the Media Game, *Journalism Studies*, 13(2), pp. 243-258.
- Baird, V, Gangl, A, 2006, Shattering the myth of legality: The impact of the media's framing of Supreme Court procedures on perceptions of fairness, *Political Psychology*, 27(4), pp. 597-614.
- Baker, P, 2012, Acceptable bias? Using corpus linguistics methods with critical discourse analysis, *Critical Discourse Studies*, 9(3), pp. 247-256.
- Baker, P, Gabrielatos, C, KhosraviNik, M, Krzyzanowski, M, McEnery, T, Wodak, R, 2008, A useful methodological synergy? Combining critical discourse analysis and corpus linguistics to examine discourses of refugees and asylum seekers in the UK press, *Discourse Society*, 19, pp. 273-306.
- Bakir, V, McStay, A, 2018. Fake news and the economy of emotions: Problems, causes, solutions, *Digital journalism*, 6(2), pp. 154-175.
- Bandy, J, Smith, J, (eds), 2005, *Coalitions across Borders: Transnational Protest and the Neoliberal Order*, Rowman and Littlefield Publishers, Oxford, UK.
- Bates, G, 1984, The Tasmanian Dam Case and its Significance in Environmental Law, *Environmental and Planning Law Journal*, 2, pp. 325- 346.
- Bates, G, 2013, *Environmental Law in Australia*, 8th edition, LexisNexis Butterworth, Chatswood.
- Bates, G, 2016, *Environmental Law in Australia*, 9th edition, LexisNexis Butterworth, Chatswood.
- Battersby, L, 2017, Anti-Adani mine protesters disrupt Westpac's 200th birthday celebrations, *The Sydney Morning Herald*, 10/4/2017, as accessed 7/8/2019, <https://www.smh.com.au/business/banking-and-finance/antiadani-mine-protesters-disrupt-westpacs-200th-birthday-celebrations-20170409-gvgz5q.html>

- Barclay, S, Jones, L, Marshall, A, 2011, Two spinning wheels: Studying law and social movements, in Austin Sarat (ed.) *Special Issue Social Movements/Legal Possibilities (Studies in Law, Politics and Society)*, 54, Emerald Group Publishing Limited.
- Bebbington, A, Bebbington, D, Bury, J, Langan, J, Muñoz, J, Scurrah, M, 2008, Mining and social movements: struggles over livelihood and rural territorial development in the Andes, *World development*, 36(12), pp. 2888-2905.
- Beck, U, 2009, *World At Risk*, Polity Press, Cambridge.
- Beck, U, 2011, Cosmopolitanism as imagined communities of global risk, *American Behavioral Scientist*, 55(10), pp. 1346-1361.
- Beck, U, 2013, Cosmopolitan communities of climate risk: conceptual and empirical suggestions for a new research agenda, *Global Networks*, 13(1), pp. 1–21.
- Benford, R, Snow, D, 2000, Framing processes and social movements: An overview and assessment, *Annual review of sociology*, 26(1), pp. 611-639.
- Bennett, WL, 2003, Communicating Global Activism, *Information, Communication & Society*, 6(2), pp. 143-168.
- Bennett, WL, Segerberg, A, 2012, The Logic of Connective Action: Digital Media and the Personalization of Contentious Politics, *Information, Communication and Society*, 15(5), pp. 739-768.
- Beresford, Q, 2015, *The rise and fall of Gunns Ltd*, NewSouth Publishing, Sydney.
- Berger, A, 2016, *Media and Communication Research Methods: An introduction to Qualitative and Quantitative Approaches*, 4th edition, Sage Publications, Thousand Oaks.
- Billett, S, 2010, Dividing climate change: global warming in the Indian mass media, *Climatic Change*, 99, pp. 1-16.
- Bolt, A, 2019, HOW COULD THIS GREEN JUDGE SIT ON THIS CASE?, *Herald Sun*, 12/3/2019, as accessed 20/3/2019, <https://www.heraldsun.com.au/blogs/andrew-bolt/how-could-this-green-judge-sit-on-this-case/news-story/8e873a980641cfa4b34f5b42c0e27d65>
- Bowd, K, 2015, Who's in the news?: Sourcing priorities in regional newspapers, *Australian Journalism Review*, 37(2), pp. 173- 185.
- Bowers, A, 2011, Protest and Public Relations A new era for non-institutional sources?, in Cottle, S, and Lester, L (eds), 2011, *Transnational Protest and the Media*, Peter Lang Publishing, New York.
- boyd, D, Crawford, K, 2012, Critical questions for big data: Provocations for a cultural, technological, and scholarly phenomenon, *Information, communication & society*, 15(5), pp. 662-679.
- Boykoff, M, 2008, The cultural politics of climate change discourse in UK tabloids, *Political Geography*, 27, pp. 549-569.

- Brandis, G, 2015, *Media Release: Government acts to protect jobs from vigilante litigants*, 18/8/2015, as accessed 31/1/2017, <https://www.attorneygeneral.gov.au/Mediareleases/Pages/2015/ThirdQuarter/18-August-2015-Government-acts-to-protect-jobs-from-vigilante-litigants.aspx>
- Break Free, 2016, *Break Free from fossil fuels 2016*, as accessed 10/4/2019, <https://breakfree2016.org/>
- Brevini, B, Woronov, T, 2017, Nothing but Truthiness: Public Discourses on the Adani Carmichael Mine in Australia, in Brevini, B, and Murdock, G, (eds), *Carbon Capitalism and Communication: Confronting Climate Crisis*, Palgrave Macmillan, US.
- Brisman, A, South, N, (eds), 2014, *Green Cultural Criminology: Constructions of Environmental Harm, Consumerism, and Resistance to Ecocide*, London and New York, Routledge.
- Brockington, D, 2013, Celebrity, Environmentalism and Conservation, in Lester, L, and Hutchins, B, (eds), *Environmental Conflict and The Media*, Peter Lang Publishing, New York, pp. 139-152.
- Brønn, P, Vrioni, A, 2001, Corporate social responsibility and cause-related marketing: an overview, *International journal of Advertising*, 20(2), pp. 207-222.
- Bruns, A, Burgess, J, Highfield, T, 2014, A 'Big Data' Approach to Mapping the Australian Twittersphere, in Arthur, P, and Bode, K, (eds), *Advancing Digital Humanities: Research, Methods, Theories*, Palgrave Macmillan, New York.
- Buckley, T, 2016, *Cancellation of 4 ultra mega power plants underscores India's commitment to transition*, as accessed 7/4/2017, <http://ieefa.org/ieefa-asia-note-cancellation-4-ultra-mega-power-plants-underscores-indias-commitment-transition%E2%80%A8%E2%80%A8/>
- Burrowes, T, 2016, News Corp completes takeover of APN's regional newspapers, *Mumbrella*, 29/12/2016, as accessed 2/4/2019, <https://mumbrella.com.au/news-corp-completes-apn-newspapers-deal-417835>
- Burstein, P, 1991, Legal Mobilization as a Social Movement Tactic: The Struggle for Equal Employment Opportunity, *American Journal of Sociology*, 96 (5), pp. 1201-1225.
- Burton, B, 2008, *Inside Spin: The dark underbelly of the PR industry*, Allen & Unwin, Sydney.
- Camba, A, 2016, Philippine mining capitalism: The changing terrains of struggle in the neoliberal mining regime, *ASEAS-Österreichische Zeitschrift für Südostasienwissenschaften*, 9(1), pp. 69-86.
- Cammaerts, B, 2012, Protest logics and the mediation opportunity structure, *European Journal of Communication*, 27(2), pp. 117-134.

- Cammaerts, B, Van Audenhove, L, 2005, Online Political Debate, Unbounded Citizenship, and the Problematic Nature of a Transnational Public Sphere, *Political Communication*, 22, pp. 179–196.
- Cannon, J, 2006, Environmentalism and the Supreme Court: A Cultural Analysis, *Ecology LQ*, 33, pp. 363-442.
- Carvalho, A, 2008, MEDIA(TED) DISCOURSE ANALYSIS AND SOCIETY Rethinking the framework of Critical Discourse Analysis, *Journalism Studies*, 9(2), pp. 161-177.
- Carvalho, A, Burgess, J, 2005, Cultural Circuits of Climate Change in U.K. Broadsheet Newspapers, 1985–2003, *Risk Analysis*, 25(6), pp. 1457-1469.
- Castells, M, 2007, Communication, Power and Counter-power in the Network Society, *International Journal of Communication*, 1, pp. 238-266.
- Castells, M, 2008, The New Public Sphere: Global Civil Society, Communication Networks, and Global Governance, *The ANNALS of the American Academy of Political and Social Science*, 616(1), pp. 78-93.
- Castells, M, 2010, *The Rise of the Network Society*, 2nd edition with new preface, Wiley-Blackwell, West Sussex, UK.
- Castells, M, 2011, A Network Theory of Power, *International Journal of Communication*, 5, pp. 773-787.
- Castells, M, 2012, *Networks of Outrage and Hope: Social Movements in the Internet Age*, Polity Press, Cambridge.
- Černoch, F, Lehotský, L, Ocelík, P, Osička, J, Vencourová, Ž, 2019. Anti-fossil frames: Examining narratives of the opposition to brown coal mining in the Czech Republic, *Energy Research & Social Science*, 54, pp. 140-149.
- Central Electricity Authority, 2016, *draft National Electricity Plan Volume 1 Generation*, as accessed 7/4/2017, http://www.cea.nic.in/reports/committee/nep/nep_dec.pdf
- Chaves, E, 2010, The Internet as Global Platform? Grounding the Magically Levitating Public Sphere, *New Political Science*, 32 (1), pp. 23-41.
- Chong, D, Druckman, J, 2007, Framing theory, *Annual Review of Political Science*, 10, pp. 103-126.
- Christensen, G, 2016, Adani decision a win for ‘common sense’, *The Northern Star*, 1/9/2016, as accessed 28/1/2018, <https://www.northernstar.com.au/news/christensen-adani-decision-a-win-for-common-sense/3084304/>
- Clark, C, 2016, The politics of environmental litigation: lawfare in Australia, *Australian Environment Review*, 31(7), pp. 258-262.

- Clawson, RA, Strine IV, HCN, Waltenburg, EN, 2003, Framing Supreme Court decisions: The mainstream versus the Black press, *Journal of Black Studies*, 33(6), pp. 784-800.
- Clifford, K, White, R, 2017, *Media and Crime*, Oxford University Press, South Melbourne.
- Clim Acts, 2019, Clim Acts, *Acting for climate justice*, as accessed 10/4/2019, <https://climacts.org.au/climate-guardians/>
- Climate Guardians, 2016, *Tweet dated 31 August 2016*, as accessed 5/5/2016, https://twitter.com/ClimateGuardia?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor
- Cohen, S, 1972, 2011, *Folk devils and moral panics*, Routledge, Oxen.
- Collins, T, Cooper, C, 2012, Case salience and media coverage of Supreme Court decisions: Toward a new measure, *Political Research Quarterly*, 65(2), pp. 396-407.
- Colvin, R, Witt, G, Lacey, J, 2015, Strange bedfellows or an aligning of values? Exploration of stakeholder values in an alliance of concerned citizens against coal seam gas mining, *Land Use Policy*, 42, pp. 392-399.
- Conde, M, Kallis, G, 2012, The global uranium rush and its Africa frontier. Effects, reactions and social movements in Namibia, *Global Environmental Change*, 22(3), pp. 596-610.
- Connor, L, Freeman, S, Higginbotham, N, 2009, Not just a coalmine: Shifting grounds of community opposition to coal mining in Southeastern Australia, *Ethnos*, 74(4), pp. 490-513.
- Conservation Action Trust, Urban Emissions, 2014, *Coal Kills Health Impacts of Air Pollution from India's Coal Power Expansion*, as accessed 7/4/2017, <http://www.cat.org.in/files/reports/Coal%20Kills-Health%20Impacts%20of%20Air%20Pollution%20from%20India's%20Coal%20Power%20Expansion.pdf>
- Cottle, S, 2006a, *Mediatized conflict: Developments in media and conflict studies*, McGraw-Hill Education, UK.
- Cottle, S, 2006b, Mediatized rituals: Beyond manufacturing consent, *Media, Culture & Society*, 28(3), pp. 411-432.
- Cottle, S, 2008, Reporting demonstrations: The changing media politics of dissent, *Media Culture and Society*, Volume 30, pp. 853-872
- Cottle, S, 2009, *Global crisis reporting: journalism in the global age*, McGraw Hill Open University Press, New York.
- Cottle, S, 2013, Environmental Conflict in a Global, Media Age, Beyond Dualisms, in Lester, L, and Hutchins, B, (eds). *Environmental conflict and the media*, Peter Lang Publishing, New York, pp. 19-33.

- Cottle, S, Lester, L (eds), 2011, *Transnational Protests and the Media*, Peter Lang Publishing, New York.
- Couldry, N, 2012, *Media, society, world: Social theory and digital media practice*, Polity Press, Cambridge.
- Coward, R, 2010, The environment, the press and the missing lynx, *Journalism*, 11(5), pp. 625-638.
- Cox, R, 2010, *Environmental Communication and the Public Sphere*, 2nd edition, Sage Publications, London.
- Cox, R, Depoe, S, 2015, Emergence and Growth of the “Field” of Environmental Communication, in Hansen, A, and Cox, R, (eds), *The Routledge Handbook of Environment and Communication*, Routledge, New York, pp. 197-205.
- Cox, R, Schwarze, S, 2015, The Media Communication Strategies of Environmental Pressure Groups and NGOs, in Hansen, A, and Cox, R, (eds), *The Routledge Handbook of Environment and Communication*, Routledge, New York, pp. 197-205.
- Creswell, J, 2009, *Research design: Qualitative, quantitative, and mixed methods approaches*, Sage Publications, Los Angeles.
- Crikey, 2010, *The spin cycle: how your newspaper fared*, 15/3/2010, as accessed 26/3/2019, <https://www.crikey.com.au/2010/03/15/the-spin-cycle-how-your-newspaper-fared/>
- Croeser, S, Highfield, T, 2014, Occupy Oakland and #oo: Uses of Twitter within the Occupy movement, *First Monday*, 19(3), <http://firstmonday.org/ojs/index.php/fm/article/view/4827/3846>
- Crouch, D, Damjanov, K, 2011, Piracy Up-Linked Sea Shepard and the Spectacle of Protest on the High Seas, in Cottle, S, Lester, L, *Transnational Protest and the Media*, Peter Lang Publishing, New York.
- Cullen-Knox, C, Fleming, A, Lester, L, Ogier, E, 2019, Publicised scrutiny and mediatised environmental conflict: The case of Tasmanian salmon aquaculture, *Marine Policy*, 100, pp. 307-315.
- Cunningham, S, Turner, G, (eds), 2010, *The Media and Communications in Australia*, 3rd edition, Allen and Unwin, Crows Nest, Australia.
- Dalhberg-Grundberg, M, Lundström, R, Simon Lindgren, S, 2016, Social media and the transnationalization of mass activism: Twitter and the labour movement, *First Monday*, 21(8), <http://ojphi.org/ojs/index.php/fm/article/view/6729/5601>
- Davidson, C, 2011, Amazon Struggles in the Global Media Age: Framing and Discourses in Environmental Conflict, in Cottle, S, and Lester, L, (eds), *Transnational Protests and the Media*, Peter Lang, New York, NY, pp. 172-184.
- Davis, A, 2007, Investigating Journalism Influences on Political Issue Agendas at Westminster, *Political Communication*, 24(2), pp. 181-99.

- Davis, A, 2009, Journalist-Source Relations, Mediated Reflexivity and the Politics of Politics, *Journalism Studies* 10, pp. 204-219.
- Davis, R, 1994, *Decisions and images: The Supreme Court and the press*, NJ: Prentice-Hall, Englewood Cliffs.
- Davis, R, (ed), 2014, *Covering the United States Supreme Court in the Digital Age*, Cambridge University Press, New York.
- Davis, R, Strickler, J, 2000, *The Invisible Dance: The Supreme Court and the Press*, Perspectives on Political Science, 29(2), pp. 85-92.
- Dayan, D, Katz, E, 1994, *Media events*, Harvard University Press.
- Deacon, D, Pickering, M, Golding, P, Murdock, G, 2007, *Researching Communications: A Practical Guide to Methods in Media and Cultural Analysis*, 2nd edition, Bloomsbury Academic, London.
- Delicath, J, Deluca, K, 2003, Image Events, the Public Sphere, and Argumentative Practice: The Case of Radical Environmental Groups, *Argumentation*, 17, pp. 315-333.
- Deloitte Access Economics, 2017, *At what price? The economic, social and icon value of the Great Barrier Reef*, as accessed 1/12/2017, https://www.dropbox.com/s/k7sccqgdskgiut4/26%20JUNE%202017_Great-Barrier-Reef-Report.pdf?dl=0
- Della Porter, D, and Tarrow, S, 2005, *Transnational Protest and Global Activism*, Roman and Littlefield Publishers, Oxford.
- Delshad, A, Raymond, L, 2013, Media framing and public attitudes toward biofuels, *Review of Policy Research*, 30(2), pp. 190-210.
- Deluca, K, M, Sun, Y, Peeples, J, 2011, 'Wild Public Screens and Image Events from Seattle to China Using Social Media to Broadcast Activism', in Cottle, S, and Lester, L, (eds), *Transnational Protests and the Media*, Peter Lang Publishing, New York, pp. 143-158.
- Demetrious, K, 2017, Contemporary publics, Twitter and the story of PR: Exploring corporate interventions to promote "Clean Coal" in Australia, *The Journal of Public Interest Communications*, 1(1), pp. 94-113.
- Department of Environment and Energy, 2018a, *Australian Energy Update August 2018*, as accessed 4/4/2019, https://www.energy.gov.au/sites/default/files/australian_energy_update_2018.pdf
- Department of Environment and Energy, 2018b, *Greenhouse gas measurement*, as accessed 17/2/2018, <http://www.environment.gov.au/climate-change/climate-science-data/greenhouse-gas-measurement>
- Department of Industry and Science, 2015, *Coal in India*, as accessed 17/2/2018, <https://www.industry.gov.au/Office-of-the-Chief-Economist/Publications/Documents/Coal-in-India.pdf>

- Dilay, A, Diduck, A, Patel, K, 2019, Environmental justice in India: a case study of environmental impact assessment, community engagement and public interest litigation, *Impact Assessment and Project Appraisal*, DOI: 10.1080/14615517.2019.1611035.
- Djerf-Pierre, M, 2011, Green metacycles of attention: Reassessing the attention cycles of environmental news reporting 1961-2010, *Public Understanding of Science*, 22 (4), pp. 495-512.
- Dodd, A, 2012, The hidden underbelly of the journalism-public relations nexus, in Ricketson, M, (ed), *Australian journalism today*, Palgrave Macmillan, pp. 157-166.
- Doerr, N, Mattoni, A, Teune, S (eds), 2013, *Advances in the Visual Analysis of Social Movements (Research in Social Movements, Conflicts and Change, 35*, Emerald Group Publishing Limited, Bingley, UK.
- Doherty, B, 2019, Queensland extinguishes native title over Indigenous land to make way for Adani coalmine, *The Guardian*, 31/8/2019, as accessed 23/9/2019, <https://www.theguardian.com/business/2019/aug/31/queensland-extinguishes-native-title-over-indigenous-land-to-make-way-for-adani-coalmine>
- Doney, S, Ruckelshaus, M, Duffy, J, Barry, J, Chan, F, English, C, Galindo, H, Grebmeier, J, Hollowed, A, Knowlton, N, Polovina, J, 2012, Climate change impacts on marine ecosystems, *Annual Review of Marine Sciences*, 4, pp. 11-37.
- Doulton, H, Brown, K, 2009, Ten years to prevent catastrophe? Discourses of climate change and international development in the UK press, *Global Environmental Change*, 19, pp. 191-202.
- Downs, A, 1972, Up and Down with Ecology: The 'Issue-Attention' Cycle, *The Public Interest*, 28, pp. 38-50.
- Doyle, J, 2007, Picturing the climate: Greenpeace and the representational politics of climate change communication, *Science as culture*, 16(2), pp. 129-150.
- Dryzek, J, 2013, *The politics of the earth: Environmental discourses*, Oxford University Press, Oxford.
- Dubois, E, Blank, G, 2018, The echo chamber is overstated: the moderating effect of political interest and diverse media, *Information, Communication & Society*, 21(5), pp. 729-745.
- Dugard, J, Langford, M, 2011, Art or Science? Synthesising Lessons from Public Interest Litigation and the Dangers of Legal Determinism, *South African Journal on Human Rights*, 27:1, pp. 39-64.
- Durbach, A, McNamara, L, Rice, S, Rix, M, 2013, Public interest litigation: Making the case in Australia, *Alternative Law Journal*, 38(4), pp. 219-223.
- Duus, S, 2012, Why the Galilee Basin is worth worrying about, *The Conversation*, 28/11/2012, as accessed 1/12/ 2017, <http://theconversation.com/why-the-galilee-basin-is-worth-worrying-about-10959>

- Eilstrup-Sangiovanni, M, Phelps Bondaroff, T, 2014, From Advocacy to Confrontation: Direct Enforcement by Environmental NGOs, *International Studies Quarterly*, 58, pp. 348–361.
- Elccessor, E, 2018, “One tweet to make so much noise”: Connected celebrity activism in the case of Marlee Matlin, *New Media & Society*, 20(1), pp. 255-271.
- Entman, R, 1993, Framing: Towards Clarification of a Fractured Paradigm, *Journal of Communication*, 43(4), pp. 51-58.
- Environmental Justice Australia, 2017, *Media release: Shareholders lodge climate change case against Commonwealth Bank*, as accessed 13/7/2018, retrieved from <https://www.envirojustice.org.au/shareholders-lodge-climate-change-case-against-commonwealth-bank/>
- Evans, G, 2010, A Rising Tide: Linking local and global climate justice, *Journal of Australian Political Economy*, 66, pp. 199-221.
- Evans, G, Phelan, L, 2016, Transition to a post-carbon society: Linking environmental justice and just transition discourses. *Energy Policy*, 99, pp. 329-339.
- Evensen, D, Clarke, C, Stedman, R, 2014, A New York or Pennsylvania state of mind: social representations in newspaper coverage of gas development in the Marcellus Shale, *Journal of Environmental Studies and Sciences*, 4, pp. 65-77.
- Fairclough, N, 2003, *Analysing Discourse Textual Analysis for Social Research*, Routledge, New York.
- Fairclough, N, 2013, *Critical Discourse Analysis: the critical study of language*, Routledge, New York.
- Fawkes, J, 2013, What is public relations?, in Theaker, A, *The public relations handbook*, Routledge, NY, pp. 19-36.
- Fazio, G, 2012, Legal opportunity structure and social movement strategy in Northern Ireland and southern United States, *International Journal of Comparative Sociology*, 53(1), pp. 3–22.
- Federal Court of Australia, 2015a, *Statement re NSD 33/2015 Mackay Conservation Group vs Minster for Environment*, 19/8/2015, received via email from the Federal Court of Australia.
- Federal Court of Australia, 2015b, *Order NSD 33/2015 Mackay Conservation Group vs Minster for Environment*, as accessed 14/11/2017, <https://www.comcourts.gov.au/file/Federal/P/NSD33/2015/3715277/event/28181487/document/607760>
- Federal Court of Australia, 2019a, *News and Events*, as accessed 8/4/2019, <http://www.fedcourt.gov.au/news-and-events>
- Federal Court of Australia, 2019b, *Communication Devices*, as accessed 6/8/2019, <https://www.fedcourt.gov.au/law-and-practice/communication-devices>

- Fitzgerald, B, 2015, Decision a setback, but Adani is not about to go away, *Weekend Australian*, 8/8/2015, p. 8, online NewsBank.
- Flick, U, von Kardorff, E, Steinke, I, 2004, *A Companion to Qualitative Research*, Sage Publications, London
- Flynn, L, Cooley, N, Denholder, T, 2017a, Native title: Indigenous land use agreements in doubt after full federal court decision, *Law Society Journal: Law Society of NSW Journal*, April 2017, No. 32, pp. 72-73.
- Flynn, L, Cooley, N, Denholder, T, 2017b, Native title: A legislative fix for McGlade ILUAs, *Law Society Journal: Law Society of NSW Journal*, August 2017, No. 36, pp. 88-89.
- Flyvbjerg, B, 2006, Five Misunderstandings About Case-Study Research, *Qualitative Inquiry*, vol. 12, no. 2, pp. 219-245.
- Forde, S, Johnston, J, 2013, The news triumvirate: Public relations, wire agencies and online copy, *Journalism Studies*, 14(1), pp. 113-129.
- Forster, C, Jivan, V, 2008, Public Interest Litigation and Human Rights Implementation: The Indian and Australian Experience, *Asian Journal of Comparative Law*, 3(1), pp. 1-32.
- Foxwell-Norton, K, Lester, L, 2017, Saving the Great Barrier Reef from disaster, media then and now, *Media, Culture & Society*, 39(4), pp. 568-581.
- Foucault, M, 1971, Orders of discourse, *Social Science Information*, 10(2), pp. 7-30.
- Fraser, N, 2007, Transnationalizing the Public Sphere: On the Legitimacy and Efficacy of Public Opinion in a Post-Westphalian World, *Theory, Culture & Society*, Volume 24, Issue 4, pp. 7-30.
- Fraser, N, 2014, Transnationalizing the Public Sphere: On the Legitimacy and Efficacy of Public Opinion in a Post-Westphalian World, in Nash, K, (ed), *Transnationalizing the Public Sphere*, Polity Press, Cambridge.
- Friedman, S, 2015, The Changing Face of Environmental Journalism in the United States, in Hansen, A, Cox, R, (eds), *The Routledge Handbook of Environment and Communication*, Routledge, New York.
- Frost, P, 2015, Skink and little snake put hold on controversial coal mine, *Central Queensland News*, 6/8/2015, as accessed 15/2/2018, <https://www.cqnews.com.au/news/adani-confident-mine-approved-despite-court-decisi/2730294/>
- Fünfgeld, A, 2016, The state of coal mining in East Kalimantan: Towards a political ecology of local stateness, *ASEAS-Österreichische Zeitschrift für Südostasienwissenschaften*, 9(1), pp. 147-161.
- Gamson, W, Croteau, D, Hoynes, W, Sasson, T, 1992, Media images and the social construction of reality, *Annual review of sociology*, 18(1), pp. 373-393.
- Gamson, W, Modigliani, A, 1989, Media discourse and public opinion on nuclear power: A constructionist approach, *American journal of sociology*, 95(1), pp. 1-37.
- Gamson, W, Wolfsfeld, G, 1993, Movements and Media as Interacting Systems, *The Annals of the American Academy of Political and Social Science*, 528, pp. 114-125.

- Garrett, R, 2006, Protest in an Information Society: a review of literature on social movements and new ICTs, *Information, Communication & Society*, 9 (2), pp. 202-224.
- Gavin, N, Marshall, T, 2011, Climate Change and International Protest at Copenhagen, in Cottle, S, & Lester, L, *Transnational Protest and the Media*, Peter Lang Publishing, New York.
- Gee, J, 2014, *An Introduction to Discourse Analysis, Theory and Method*, Taylor and Francis, Oxon, UK.
- Gee, J, 2015, *Social Linguistics and Literacies*, Routledge, Oxon, UK.
- Gibson, J, Lodge, M, Woodson, B, 2014, Losing, but accepting: Legitimacy, positivity theory, and the symbols of judicial authority, *Law & Society Review*, 48(4), pp. 837-866.
- Giddings, J, Noone, M, 2004, Australian community legal centres move into the twenty-first century, *International Journal of the Legal Profession*, 11(3), pp. 257-282.
- Gluyas, A, 2019, Adani starts construction at Carmichael project, 21/6/2019, *Australian Mining*, as accessed 6/8/2019, <https://www.australianmining.com.au/news/adani-starts-construction-at-carmichael-project/>
- Gogarty, B, 2017, Why Adani may still get its government loan, *The Conversation*, 7/11/2017, as accessed 7/4/2019, <https://theconversation.com/why-adani-may-still-get-its-government-loan-86926>
- Goodrich, P, 1987, *Legal Discourse: Studies in Linguistics, Rhetoric and Legal Analysis*, Macmillan, London.
- Government of India Ministry of Environment, Forest and Climate Change, 2015, *First Biennial Update Report to the United Nations Framework Convention on Climate Change*, December 2015, as accessed 7/4/2017, http://www.moef.gov.in/sites/default/files/indbur1_0.pdf
- Government of India Ministry of Power, 2017, *Power for all*, as accessed 20/12/2017, <http://powermin.nic.in/>
- Great Barrier Reef Marine Park Authority, 2018a, *Threats to the Reef*, as accessed 8/4/2018, <http://www.gbrmpa.gov.au/managing-the-reef/threats-to-the-reef>
- Great Barrier Reef Marine Park Authority, 2018b, *Climate Change*, as accessed 5/4/2019, <http://www.gbrmpa.gov.au/managing-the-reef/threats-to-the-reef/climate-change>
- Greene, E, O'Leary, J, 2012, Ensuring a fair trial for an accused in a digital era: lessons for Australia, in Keyzer, P, Johnston, J, Pearson, M, (eds), *The Courts and the Media: Challenges in the Era of Digital and Social Media*, Halstead Press, Canberra.
- Greenpeace Australia Pacific, 2018, *Facebook Post 12/3/2018*, as accessed 13/3/2018, <https://www.facebook.com/greenpeaceaustraliapacific/>
- Greenslade, R, 2016, New studies suggest continuing decrease in court reporting, *The Guardian*, 29/10/2016, as accessed 23/3/2019, <https://www.theguardian.com/media/greenslade/2016/oct/28/new-studies-suggest-continuing-decrease-in-court-reporting>

- Greer, L, Talbert, S, Lockie, S, 2011, *Food, coal or gas? Community action, land-use conflict and procedural fairness in the Surat Basin, Queensland*, as accessed 13/4/2019, https://researchonline.jcu.edu.au/34872/1/Food_coal_gas.pdf
- Guardian, The, 2019a, *Carmichael coal mine*, as accessed 4/4/2019, <https://www.theguardian.com/environment/carmichael-coalmine>
- Guardian, The, 2019b, *The Adani Group*, as accessed 4/4/2019, <https://www.theguardian.com/business/adani-group>
- Guardian, The, 2019c, *Lenore Taylor*, as accessed 23/3/2019, <https://www.theguardian.com/profile/lenore-taylor>
- Guo, L, Rohde, J, Wu, H, 2018, Who is responsible for Twitter's echo chamber problem? Evidence from 2016 US election networks, *Information, Communication & Society*, pp. 1-18, DOI: 10.1080/1369118X.2018.1499793
- Gurney, M, 2014, Missing in action? The 'non'-climate change debate of the 2013 Australian federal election, *Global Media Journal*, 8(2), pp. 1-21.
- Habermas, J, 1989, *The structural transformation of the public sphere*, MIT Press, Cambridge.
- Hajer, M, Versteeg, W, 2005, A decade of discourse analysis of environmental politics: Achievements, challenges, perspectives, *Journal of Environmental Policy & Planning*, 7(3), pp. 175-184.
- Hall, S, Clarke, J, Critcher, C, Jefferson, T, Roberts, B, 2013, *Policing the crisis: Mugging, law and order and the state*, 2nd edition, Palgrave Macmillan, New York, NY.
- Hall, N, Lacey, J, Carr-Cornish, S, Dowd, A, 2015, Social licence to operate: understanding how a concept has been translated into practice in energy industries, *Journal of Cleaner Production*, 86, pp. 301-310.
- Hallahan, K, 1999, Seven models of framing: Implications for public relations, *Journal of public relations research*, 11(3), pp. 205-242.
- Haltom, W, McCann, M, 2004, *Distorting the Law: Politics, Media and the Litigation Crisis*, The University of Chicago Press, Chicago.
- Halupka, M, 2016, The rise of information activism: how to bridge dualisms and reconceptualise political participation, *Information, Communication & Society*, 19(10), pp. 1487-1503.
- Hamman, E, 2015, Save the reef: Civic crowdfunding and public interest environmental litigation, *QUT Law Review*, 15, pp. 159-173.
- Hannerz, U, 2003, Being there... and there... and there! Reflections on multi-site ethnography, *Ethnography*, 4(2), pp. 201-216.
- Hansen, A, 2011, Communication, media and environment: Towards reconnecting research on the production, content and social implications of environmental communication, *The International Communication Gazette*, 73 (1-2), pp. 7-25.
- Hansen, A, 2015, News Coverage of the Environment: A longitudinal perspective, in Hansen, A, and Cox, R, (eds), *The Routledge Handbook of Environment and Communication*, Routledge, New York.

- Hansen, A, Cox, R, 2015, *The Routledge Handbook of Environment and Communication*, Routledge, New York.
- Hansen, A, Machin, D, 2008, Visually branding the environment: Climate change as a marketing opportunity, *Discourse Studies*, 10(6), pp. 777-794.
- Hansen, A, Machin, D, 2013a, *Media and Communication Research Methods*, Palgrave Macmillan, New York.
- Hansen, A, Machin, D, 2013b, Editors Introduction: Researching Visual Environmental Communication, *Environmental Communication*, 7(2), pp. 151-168.
- Harcup, T, O'Neill, D, 2017, What is news? News values revisited (again), *Journalism studies*, 18(12), pp. 1470-1488.
- Hendriks, C, Duus, S, Ercan, S, 2016, Performing politics on social media: the dramaturgy of an environmental controversy on Facebook, *Environmental Politics*, 25(6), pp. 1102-1125.
- Hepburn, J, Burton, B, Hardy, S, 2011, *Stopping the Australian Coal Export Boom: Funding proposal for the Australian anti-coal movement*, as accessed 30/11/2016, http://www.abc.net.au/mediawatch/transcripts/1206_greenpeace.pdf
- Hepp, A, Couldry, N, 2009, What should comparative media research be comparing, Towards a transcultural approach to 'media cultures', in DK Thussu, (ed), *Internationalizing media studies*, Routledge, London.
- Hepp, A, Hjarvard, S, Lundby, K, 2015, Mediatization: theorizing the interplay between media, culture and society, *Media, Culture & Society*, 37(2), pp. 314-324.
- Hepworth, A, 2012, Coal activists' strategy exposed, *The Australian*, 6/3/2012, as accessed 1/12/2017, <http://www.theaustralian.com.au/business/mining-energy/coal-activists-strategy-exposed/news-story/306fcd94537964a78c50ddd3938f21d9>
- Hesse-Biber, S, Johnson, R, 2015, *The Oxford Handbook of Multimethod and Mixed Methods Research Inquiry*, Oxford University Press, New York.
- Highfield, T, Harrington, S, Bruns, A, 2013, Twitter as a technology for audiencing and fandom: the #Eurovision phenomenon, *Information, Communication & Society*, 16(3), pp. 315-339.
- Hilgartner, S, Bosk, C, 1988, The rise and fall of social problems: A public arenas model, *American journal of Sociology*, 94(1), pp. 53-78.
- Hintjens, H, 2000, Environmental direct action in Australia: the case of Jabiluka Mine, *Community Development Journal*, 35(4), pp. 377-390.
- Hmielowski, J, Feldman, L, Myers, T, Leiserowitz, A, Maibach, E, 2014, An attack on science? Media use, trust in scientists, and perceptions of global warming, *Public Understanding of Science*, Vol. 23(7), pp. 866-883.
- Hobbs, M, McKnight, D, 2014, 'Kick this mob out': The Murdoch media and the Australian Labor Government (2007 to 2013), *Global Media Journal*, 8(2), pp. 1-13.
- Hoekstra, V, 2003, *Public reaction to Supreme Court decisions*, Cambridge University Press, United Kingdom.

- Holland, G, 2012, Judicial Instructions – Do Jurors Obey Directions to Disregard Prejudicial Publicity?, in Keyzer, P, Johnston, J, and Pearson, M, (eds), *The Courts and the Media: Challenges in the Era of Digital and Social Media*, Halstead Press, Canberra, pp. 86-100.
- Hughes, L, 2019, The Rocky Hill decision: a watershed for climate change action?, *Journal of Energy & Natural Resources Law*, DOI:10.1080/02646811.2019.1600272.
- Hunter, M, Van Wassenhove, L, Besiou, M, van Halderen, M, 2013, The Agenda-Setting Power of Stakeholder Media, *California Management Review*, 56(1), pp. 24-49.
- Hutchins, B, Lester, L, 2006, Environmental protest and tap-dancing with the media in the information age, *Media, Culture & Society*, 28(3), pp. 433-451.
- Hutchins, B, Lester, L, 2011, Politics, power and online protest in an age of environmental conflict, in Cottle, S and Lester, L, (eds) *Transnational Protests and the Media*, Peter Lang, New York, NY, pp. 159-171.
- Hutchins, B, Lester, L, 2015, Theorizing the enactment of mediatized environmental conflict, *the International Communication Gazette*, 77(4), pp. 337–358.
- Hutton, D, 2012, Lessons from the Lock the Gate movement, *Social Alternatives*, 31(1), pp. 15-19.
- Innes, M, 2004, Crime as a signal, Crime as a Memory, *Journal for Crime, Conflict and the Media*, 1(2), pp. 15-22.
- International Energy Agency, 2015, *India Energy Outlook*, as accessed 20/12/2016, https://www.iea.org/publications/freepublications/publication/IndiaEnergyOutlook_WEO2015.pdf
- International Energy Agency, 2018a, *CO2 emissions from fuel combustion overview*, as accessed 5/4/2018, https://webstore.iea.org/download/direct/1082?fileName=CO2_Emissions_from_Fuel_Combustion_2018_Overview.pdf,
- International Energy Agency, 2018b, *Key world energy statistics*, as accessed 5/4/2019, https://webstore.iea.org/download/direct/2291?fileName=Key_World_2018.pdf
- International Energy Agency, 2018c, *Coal 2018 Executive Summary*, as accessed 5/4/2019, <https://www.iea.org/coal2018/>
- Institute of Public Affairs, 2017, *New IPA Video Outlines Why Environmental Lawfare Must End*, 16/3/2017, as accessed 20/3/2019, <https://ipa.org.au/publications-ipa/media-releases/new-ipa-video-outlines-environmental-lawfare-must-end>
- Institute of Public Affairs, 2019, *Institute of Public Affairs website*, as accessed 20/3/2019, <https://ipa.org.au/>
- Intergovernmental Panel on Climate Change, 2014, *Climate Change 2014 Synthesis Report Summary for Policymakers*, as accessed 28 November 2017, https://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_SPM.pdf
- James, M, 2011, Ready, aim, fire: Key messages in public relations campaigns, *Prism*, 8(1), pp. 1-18.
- Jamieson, P, 1998, Lost in translation: civic journalism's applicability to newspaper coverage of the US Supreme Court, *Communication & Law*, 20, pp. 1-20.

- Jans, J, Marseille, A, 2010, The role of NGOs in environmental litigation against public authorities: some observations on judicial review and access to court in the Netherlands, *Journal of environmental law*, 22(3), pp. 373-390.
- Jaspal, R, Nerlich, B, 2014, Fracking in the UK press: Threat dynamics in an unfolding debate, *Public Understanding of Science*, 23(3), pp. 348-363.
- Jaspal, R, Nerlich, B, Van Vuuren, K, 2016, Embracing and resisting climate identities in the Australian press: Sceptics, scientists and politics, *Public Understanding of Science*, 25(7), pp. 807-824.
- Jasper, J, Poulsen, J, 1995, Recruiting strangers and friends: Moral shocks and social networks in animal rights and anti-nuclear protests, *Social Problems*, 42(4), pp. 493-512.
- Joffe, H, 2008, The power of visual material: Persuasion, emotion and identification, *Diogenes*, 55(1), pp. 84-93.
- Johnson, C, 2001, Coral bleaching debate hotting up, *ABC Science*, 14/6/2001, as accessed 20/12/2018, <http://www.abc.net.au/science/articles/2001/06/14/312547.htm>
- Johnson, T, 2014, How and Why the Supreme Court Remains Uncovered, in in Davis, R, (ed), 2014, *Covering the United States Supreme Court in the Digital Age*, Cambridge University Press, New York, pp. 23-41.
- Johnston, J, 1999, Are the courts becoming more media friendly?, *Australian Journalism Review*, 21(1), pp. 109-122.
- Johnston, J, 2002, Shall we dance? Who's leading who in the journalism-justice shuffle, *Australian Journalism Review*, 24(1), pp. 131-140.
- Johnston, J, 2005, Communicating courts: a decade of practice in the third arm of government, *Australian Journal of Communication*, 32(3), pp. 77-91.
- Johnston, J, 2008, The court-media interface: Bridging the divide, *Australian Journalism Review*, 30(1), pp. 27-37.
- Johnston, J, 2016, *Public relations and the public interest*, Routledge, New York.
- Johnston, J, 2018, Three phases of courts' publicity: reconfiguring Bentham's open justice in the twenty-first century, *International Journal of Law in Context*, 14(4), pp. 525-538.
- Johnston, J, Breit, R, 2010. Towards a narratology of court reporting, *Media International Australia*, 137(1), pp. 47-57.
- Jones, C, 2016, Lawfare and the juridification of late modern war, *Progress in Human Geography*, 40(2), pp. 221-239.
- Kallies, A, Godden, L, 2008, What Price Democracy? Blue Wedges and the Hurdles to Public Interest Environmental Litigation, *Alternative Law Journal*, 33(4), pp. 194-199.
- Karakaya, E, Nuur, C, 2018, Social sciences and the mining sector: Some insights into recent research trends, *Resources Policy*, 58, pp. 257-267.
- Karim, S, 2019, Role of NGOs in Developing Public Interest Litigation: An Analytical Study, *Environmental Policy and Law*, 49(2/3), pp. 145-152.
- Karpf, D, 2010, Online Political Mobilization from the Advocacy Group's Perspective: Looking Beyond Clicktivism, *Policy & Internet*, 2(4), pp. 7-41.

- Karlsson, M, Sjøvaag, H, 2016, Content analysis and online news: epistemologies of analysing the ephemeral Web, *Digital journalism*, 4(1), pp. 177-192.
- Keck, M, Sikkink, K, 1998, *Activists Beyond Borders*, Cornell University Press, London.
- Keyzer, P, Johnston, J, Pearson, M, (eds), 2012, *The Courts and the Media: Challenges in the Era of Digital and Social Media*, Halstead Press, Canberra.
- Keyzer, P, 2012, Who should speak for the courts and how? The courts and the media today, in Keyzer, P, Johnston, J, Pearson, M, (eds), *The Courts and the Media: Challenges in the Era of Digital and Social Media*, Halstead Press, Canberra.
- Kerin, J, 2015, Andrew Robb says 'lawfare' against Adani risk trade deal, *Australian Financial Review*, 12/8/2015, as accessed 2/2/2018, <https://www.afr.com/news/politics/andrew-robb-says-lawfare-against-adani-risks-india-trade-deal-20150812-gixi4n>
- Kirilenko, A, Stepchenkova, S, 2012, Climate change discourse in mass media: application of computer-assisted content analysis, *Journal of Environment Studies and Science*, 2, pp. 178-191.
- Kitzinger, J, 2009, Framing and Frame Analysis, in Devereux, E, (ed) *Media Studies: Key issues and Debates*, Sage Publications, London, pp. 134-161.
- Konkes, C, 2014, *The age of consent: News, crime and public debate*, PhD Thesis, University of Tasmania, Hobart.
- Konkes, C, 2018, Green Lawfare: Environmental Public Interest Litigation and Mediatized Environmental Conflict, *Environmental Communication*, 12 (2), pp. 191-203.
- Kostiner, I, 2003, Evaluating legality: toward a cultural approach to the study of law and social change, *Law & Society Review*, 37(2), pp. 323-368.
- Krause, A, Bucy, E, 2018, Interpreting images of fracking: How visual frames and standing attitudes shape perceptions of environmental risk and economic benefit, *Environmental Communication*, 12(3), pp. 322-343.
- Kress, G, van Leeuwen, T, 2006, *Reading Images: The Grammar of Visual Design*, Routledge, London.
- Krippendorff, K, 2004, *Content Analysis An Introduction to Its Methodology*, Sage Publications, London.
- Lacey, J, Edwards, P, Lamont, J, 2016, Social licence as social contract: procedural fairness and forest agreement-making in Australia, *Forestry: An International Journal of Forest Research*, 89(5), pp. 489-499.
- Lai, L, To, W, 2015, Content Analysis of Social Media: A Grounded Theory Approach, *Journal of Electronic Commerce Research*, 16(2), pp. 138-152.
- Lankester, A, Bohensky, E, Newlands, M, 2015, Media representations of risk: The reporting of dredge spoil disposal in the Great Barrier Reef Marine Park at Abbot Point, *Marine Policy*, 60, pp. 149-161.
- La Rowe, N, Hoekstra, V, 2014, On and Off the Supreme Court Beat, in Davis, R, (ed), *Covering the United States Supreme Court in the Digital Age*, Cambridge University Press, New York, pp. 126-152.

- Lash, S, Lury, C, 2007, *Global Culture Industry: The Mediation of Things*, Polity Press, Cambridge.
- Law Council of Australia, 2019, *Australian Solicitors' Conduct Rules*, as accessed 25/3/2019, <https://www.lawcouncil.asn.au/policy-agenda/regulation-of-the-profession-and-ethics/australian-solicitors-conduct-rules>
- Leachman, G, 2013, From protest to Perry: how litigation shaped the LGBT movement's agenda, *UCDL Review*, 47, p. 1667.
- Lee, D, 2016, *The second rush: mining and the transformation of Australia*, Connor Court Publishing, Redlands Queensland.
- Lehotský, L, Černoch, F, Osička, J, Ocelík, P, 2019, When climate change is missing: Media discourse on coal mining in the Czech Republic, *Energy Policy*, 129, pp. 774-786.
- Leonard, L, 2014, The network society, power and the print media in post-apartheid South Africa: the case of media contestation in Durban for environmental justice, *Media Culture and Society*, 36(7), pp. 966 – 981.
- Lester, L, 2007, *Giving Ground: Media and Environmental Conflict in Tasmania*, Quintis Publishing, Hobart.
- Lester, L, 2010, *Media and Environment*, Polity Press, Cambridge.
- Lester, L, 2016a. Media and social licence: on being publicly useful in the Tasmanian forests conflict, *Forestry: An International Journal of Forest Research*, 89(5), pp. 542-551.
- Lester, L, 2016b, Containing spectacle in the transnational public sphere, *Environmental Communication*, 10(6), pp. 791-802.
- Lester, L, 2017, Rights Activism, Journalism, and 'The New War', in Tumber, H, and Waisbord, S, (eds), *The Routledge Companion to Media and Human Rights*, Routledge, London.
- Lester, L, Hutchins, B, 2009, Power games: environmental protest, news media and the internet, *Media Culture & Society*, 31(4), pp. 579–595.
- Lester, L, Hutchins, B, 2012, The power of the unseen: environmental conflict, the media and invisibility, *Media, Culture & Society*, 34(7), pp. 847-863.
- Lester, L, Hutchins, B, (eds), 2013, *Environmental Conflict and The Media*, Peter Lang Publishing, New York.
- L'etang, J, 1994, Public relations and corporate social responsibility: Some issues arising, *Journal of Business Ethics*, 13(2), pp. 111-123.
- Levitsky, S, 2006, To Lead with Law, in Sarat, A, and Scheingold, S, (eds), *Cause lawyers and social movements*, Stanford University Press, Stanford.
- Lewicki, R, Gray, B, Elliott, M, (eds), 2003, *Making sense of intractable environmental conflicts: Concepts and cases*, Island Press, Washington.
- Lewis, J, Williams, A, Franklin, B, 2008a, Four rumours and an explanation: A political economic account of journalists' changing newsgathering and reporting practices, *Journalism Practice*, 2(1), pp. 27-45.

- Lewis, J, Williams, A, Franklin, B, 2008b, A compromised fourth estate? UK news journalism, public relations and news sources, *Journalism studies*, 9(1), pp. 1-20.
- Liberty and the Civil Liberties Trust, 2006, *Litigating the Public Interest: Report of the Working Group on Facilitating Public Interest Litigation*, Nuffield Foundation, as accessed 4/4/2019, <https://adminlaw.org.uk/wp-content/uploads/Litigating-the-Public-Interest.pdf>
- LinkedIn, 2019a, *Geoff Egan*, as accessed 28/3/2019, <https://www.linkedin.com/in/geoff-egan-5ab2022b>
- LinkedIn, 2019b, *Pamela Frost*, as accessed 28/3/2019, <https://www.linkedin.com/in/pamela-frost-57633b9a>
- LinkedIn, 2019c, *John McCarthy*, as accessed 28/3/2019, <https://au.linkedin.com/in/john-mccarthy-46707696?trk=pub-pbmap>
- LinkedIn, 2019d, *Oliver Milman*, as accessed 28/3/2019, <https://www.linkedin.com/in/olivermilman>
- LinkedIn, 2019e, *Emma McBryde*, as accessed 28/3/2019, <https://www.linkedin.com/in/emma-mcbryde-7a5a3555/>
- LinkedIn, 2019f, *Mark Ludlow*, as accessed 28/3/2019, <https://www.linkedin.com/in/mark-ludlow-47964bb4/>
- LinkedIn, 2019g, *Michael West*, as accessed 28/3/2019, <https://au.linkedin.com/in/michaelwestjournalist>
- LinkedIn, 2019h, *Lisa Cox*, as accessed 28/3/2019, <https://www.linkedin.com/in/lisa-cox-5723a7a8>
- Lockie, S, Franettovich, M, Petkova-Timmer, V, Rolfe, J, Ivanova, G, 2009, Coal mining and the resource community cycle: a longitudinal assessment of the social impacts of the Coppabella coal mine, *Environmental Impact Assessment Review*, 29(5), pp. 330-339.
- Long, S, 2017a, Adani plans to export low quality, high ash coal to India, court told, *ABC News*, 3/4/2017, as accessed 23/1/2018, <http://www.abc.net.au/news/2017-04-03/adani-plans-to-export-low-quality-coal-to-india-report-says/8409742>
- Long, S, 2017b, The Kodak moment for coal, and why Adani could be disaster, *ABC News*, 27/11/2017, as accessed 1/12/2017, <http://www.abc.net.au/news/2017-11-27/the-kodak-moment-for-coal,-and-why-adani-could-be-a-disaster/9197134>
- Long, S, 2017c, Clean coal explained: Why emissions reductions from coal remain a pipe dream, *ABC News*, 2/2/2017, as accessed 19/12/2017, <http://www.abc.net.au/news/2017-02-02/clean-coal-explained/8235210>
- Lück, J, Antal Wozniak, A, Wessler, H, 2016, Networks of Coproduction: How Journalists and Environmental NGOs Create Common Interpretations of the UN Climate Change Conferences, *The International Journal of Press/Politics*, 21(1), pp. 25-47.
- Luke, H, Rasch, E, Evensen, D, Köhne, M, 2018, Is 'activist' a dirty word? Place identity, activism and unconventional gas development across three continents, *The Extractive Industries and Society*, 5(4), pp. 524-534.

- Mackay Conservation Group, 2015a, *Media Release New Legal Challenge of Carmichael mine*, 15/1/2015, as accessed 5/4/2019, <https://www.mackayconservationgroup.org.au/adani?page=3>
- Mackay Conservation Group, 2015b, *Media Release MCG Challenges Adani's environmental record*, 23/3/2015, as accessed 5/4/2019, <https://www.mackayconservationgroup.org.au/adani?page=3>
- Mackay Conservation Group, 2015c, *Media Release Critical new information may halt mine*, 29/6/2015, as accessed 5/4/2019, <https://www.mackayconservationgroup.org.au/adani?page=3>
- Mackay Conservation Group, 2015d, *Media release: Victory! Federal Court rejects Carmichael mine*, 5/8/2015, as accessed 13/4/2017, https://www.mackayconservationgroup.org.au/carmichael_win
- Mackay Conservation Group, 2019, *Mackay Conservation Group Campaigns Adani webpage*, as accessed 8/4/2019, <http://www.mackayconservationgroup.org.au/adani>
- Machin, D, 2004, Building the world's visual language: The increasing global importance of image banks in corporate media, *Visual communication*, 3(3), pp. 316-336.
- Machin, D, Mayr, A, 2012, *How to do critical discourse analysis: a multimodal introduction*, Sage, London.
- Manne, R, 2011, *Quarterly Essay 43 Bad News: Murdoch's Australian and the Shaping of the Nation*, Volume. 43, Black Inc.
- Marwick, A, boyd, d, 2011, To see and be seen: Celebrity practice on Twitter. *Convergence: the international journal of research into new media technologies*, 17(2), pp. 139-158.
- Mazur, A, 2016, How did the fracking controversy emerge in the period 2010-2012?, *Public Understanding of Science*, 25(2), pp. 207-222.
- McCalman, I, 2013, *The Reef: A Passionate History*, Scientific American/Farrar, Straus and Giroux, United States of America.
- McCammon, H, McGrath, A, 2015, Litigating change? Social movements and the court system, *Sociology Compass*, 9(2), pp. 128-139.
- McCann, M, 1994, *Rights at work: Pay equity reform and the politics of legal mobilization*, University of Chicago Press.
- McCann, M, 2006a, Law and Social Movements: A Contemporary Perspective, *Annual Review of Law and Social Science*, 2, pp. 17-38.
- McCann, M, (ed), 2006b, *Law and Social Movements*, Ashgate, England.
- McChesney, R, 2001, Global media, neoliberalism, and imperialism, *Monthly Review*, 52(10), pp. 1-19.
- McChesney, R, 2016, Journalism is dead! Long live journalism?: why democratic societies will need to subsidise future news production, *Journal of Media Business Studies*, 13(3), pp. 128-135.
- McCombs, M, 2005, A look at agenda-setting: Past, present and future, *Journalism studies*, 6(4), pp. 543-557.

- McCombs, M, Shaw, D, 1972, The agenda-setting function of mass media, *Public opinion quarterly*, 36(2), pp. 176-187.
- McCurdy, P, 2012, Social Movements, Protest and Mainstream Media, *Sociology Compass*, 6/3, pp. 244–255
- McDonald, M, 2016, Bourdieu, environmental NGOs, and Australian climate politics, *Environmental Politics*, 25(6), pp. 1058-1078.
- McDuling, J, 2018, What does the Nine-Fairfax merger mean?, *Sydney Morning Herald*, The, 7/12/2018, as accessed 26/3/2019, <https://www.smh.com.au/business/companies/what-does-the-nine-fairfax-merger-mean-20181204-p50k1o.html>
- McGaurr, L, 2010, Travel journalism and environmental conflict: A cosmopolitan perspective, *Journalism Studies*, 11(1), pp. 50-67.
- McGrath, C, 2008, Flying foxes, dams and whales: Using federal environmental laws in the public interest, *Environmental Planning and Law Journal*, 25, pp. 324-359.
- McGrath, C, 2016, Myth drives Australian Government attack on standing and environmental “lawfare”, *Environmental Planning and Law Journal*, 33(3), pp. 3-20.
- McGrath, C, 2019, Case Studies, *Environmental Law Australia website*, as accessed 17/4/2019, <http://envlaw.com.au/category/case-studies/>
- McInnes, W, 2017, Thousands gather at Bondi Beach to protest construction of Adani mine, *Sydney Morning Herald*, 7/10/2017, as accessed 7/8/2019, <https://www.smh.com.au/environment/thousands-gather-at-bondi-beach-to-protest-construction-of-the-adani-mine-20171007-gyw9k7.html>
- McKee, C, 2017, Canavan frustrated as foreign-funded groups drown out local voice, *The Morning Bulletin*, 26 June 2017, as accessed 23/1/2018, <https://www.themorningbulletin.com.au/news/canavan-frustrated-as-foreign-funded-groups-drown-/3193734/>
- McKenzie, F, 2009, Farms and mines: A conflicting or complimentary land use dilemma in Western Australia, *Journal for Geography*, 4(2), pp. 113-128.
- McKinnon, E, 2016, *ACF versus the Environment Minister – our Adani court case explained*, 15/9/2016, as accessed 15/3/2017, https://www.acf.org.au/acf_vs_environment_minister
- McLennan, C, Becken, S, Moyle, B, 2017, Framing in a contested space: media reporting on tourism and mining in Australia, *Current Issues in Tourism*, 20(9), pp. 960-980.
- McMahon, X, Williams, J, 2019, ‘Lawfare’ in the oil and gas industry, *The APPEA Journal*, 59(2), pp. 651-653.
- McMillan, S, 2000, The microscope and the moving target: The challenge of applying content analysis to the World Wide Web, *Journalism & Mass Communication Quarterly*, 77(1), pp. 80-98.
- Meadows, M, 2000, Deals and victories: newspaper coverage of native title in Australia and Canada, *Australian Journalism Review*, 22(1), pp. 81-105.
- Media Entertainment and Arts Alliance, 2018, *Media Entertainment and Arts Alliance submission to the Australian Competition and Consumer Commission’s Digital Platform Inquiry*, April 2018, As accessed 23/6/2018,

- <https://www.accc.gov.au/system/files/Media%20Entertainment%20and%20Arts%20Alliance%20%28April%202018%29.pdf>
- Mercado, M, Alvarez, A, Herranz, J, 2014, The fracking debate in the media: The role of citizen platforms as sources of information, *Journal for Communication Studies*, 7(1), pp. 45-62
- Messaris, P, 1997, *Visual persuasion: The role of images in advertising*, Sage, California.
- Minerals Council of Australia, 2018, *Market Demand Study: Australian Export Thermal Coal*, as accessed 5/4/2019, <https://minerals.org.au/sites/default/files/180615%20MCA%20Thermal%20Coal%20Outlook%20Study.pdf>
- Moffat, K, Zhang, A, 2014, The paths to social licence to operate: An integrative model explaining community acceptance of mining, *Resources Policy*, 39, pp. 61-70.
- Moon, R, 2018, Getting into living rooms: NGO media relations work as strategic practice, *Journalism*, 19(7), pp. 1011-1026.
- Muradian, R, Martinez-Alier, J, Correa, H, 2003, International capital versus local population: The environmental conflict of the Tambogrande mining project, Peru, *Society & Natural Resources*, 16(9), pp. 775-792.
- Murphy, K, 2017, Scott Morrison brings coal to question time: what fresh idiocy is this?, *The Guardian*, 9/2/2017, as accessed 7/8/2019, <https://www.theguardian.com/australia-news/2017/feb/09/scott-morrison-brings-coal-to-question-time-what-fresh-idiocy-is-this>
- Murphy, P, 2017, *The Media Commons: Globalization and Environmental Discourses*, University of Illinois Press, Oxfordshire.
- Nash, K, (ed), 2014, *Transnationalizing the Public Sphere*, Polity Press, Cambridge.
- Neresini, F, Lorenzet, A, 2016. Can media monitoring be a proxy for public opinion about technoscientific controversies? The case of the Italian public debate on nuclear power, *Public Understanding of Science*, 25(2), pp. 171-185.
- Newman, T, 2017, Tracking the release of IPCC AR5 on Twitter: Users, comments, and sources following the release of the Working Group I Summary for Policymakers, *Public Understanding of Science*, 26(7), pp. 815-825.
- NeJaime, D, 2011, The legal mobilization dilemma, *Emory LJ*, 61, pp. 663-735.
- Neumayer, C, Rossi, L, Karlsson, B, 2016, Contested Hashtags: Blockupy Frankfurt in Social Media, *International Journal of Communication*, Volume 10, pp. 5558-5579
- News Limited, 2018, *Our Brands*, as accessed 20 February 2018, <http://www.newscorpastralia.com/our-brands/state/QLD>
- Nisbet, M, 2010, Communicating Climate Change: Why Frames Matter for Public Engagement, *Environment*, 51 (2), pp. 12 – 23.
- NSW Environmental Defenders Office, 2015, *Media release: Court sets aside approval of Adani's Carmichael coal mine*, 5/8/2015, as accessed 3/4/2017, https://www.edonsw.org.au/carmichael_case_win

- NSW Mining, 2013, *NSW Mining History*, as accessed 10/4/2017, <http://www.nswmining.com.au/industry/nsw-mining-history>
- O'Brien, P, 2011, Changing public interest law: Overcoming the law's barriers to social change lawyering, *Alternative Law Journal*, 36(2), pp. 82-86.
- Oliver, P, Maney, G, 2000, Political processes and local newspaper coverage of protest events: From selection bias to triadic interactions, *American Journal of Sociology*, 106(2), pp. 463-505.
- O'Neill, K, 2004, Transnational Protest: States, Circuses, and Conflict at the Frontline of Global Politics, *International Studies Review*, 6, pp. 233-251.
- O'Neill, S, 2013, Image matters: Climate change imagery in US, UK and Australian newspapers, *Geoforum*, 49, pp. 10-19.
- Onn, A, Woodley, A, 2014, A discourse analysis on how the sustainability agenda is defined within the mining industry, *Journal of Cleaner Production*, 84, pp. 116-127.
- Owen, J, Kemp, D, 2013, Social licence and mining: A critical perspective, *Resources Policy*, 38(1), pp. 29-35.
- Oz, M, 2016, Mainstream media's coverage of the of the Gezi protests and protesters' perception of mainstream media, *Global Media and Communication*, Volume 12(2), pp. 177-192.
- Pain, N, Pepper, R, 2019, Legal Costs Considerations in Public Interest Climate Change Litigation, *King's Law Journal*, DOI: 10.1080/09615768.2019.1645432.
- Pan, Z, Kosicki, G, 1993, Framing analysis: An approach to news discourse. *Political communication*, 10(1), pp. 55-75.
- Park, MS, 2013, The dual role of the media in environmental communication as a public sphere and as political actors, *Forest Science and Technology*, 9(1), pp. 33-38.
- Parsons, R, Lacey, J, Moffat, K, 2014, Maintaining legitimacy of a contested practice: How the minerals industry understands its 'social licence to operate', *Resources Policy*, 41, pp. 83-90.
- Patrick, A, 2019, Brian Preston: The activist judge shaking the climate change world, *Australian Financial Review*, 15/2/2019, as accessed 20/3/2019, <https://www.afr.com/news/brian-preston-the-activist-judge-shaking-the-climate-change-world-20190214-h1b982>
- Peeples, J, 2011, Toxic sublime: Imaging contaminated landscapes, *Environmental Communication: A Journal of Nature and Culture*, 5(4), pp. 373-392.
- Peeples, J, 2013, Imaging toxins, *Environmental Communication: A Journal of Nature and Culture*, 7(2), pp. 191-210.
- Peeples, J, 2015, Discourse/Rhetorical Analysis Approaches to Environment, Media and Communication, in Hansen, A, and Cox, R, (eds), *The Routledge Handbook of Environment and Communication*, Taylor and Francis, New York.
- Penney, J, Dadas, C, 2014, (Re)tweeting in the service of protest: Digital composition and circulation in the Occupy Wall Street movement, *New Media & Society*, 16(1), pp. 74-90.

- Pickerill, J, Gillan, K, Webster, F, 2011, Scales of Activism New Media and Transnational Connections in Anti-War Movements, in Cottle, S, and Lester, L, *Transnational Protest and the Media*, Peter Lang Publishing, New York.
- Powers, M, 2015, Contemporary NGO–Journalist Relations: Reviewing and Evaluating an Emergent Area of Research, *Sociology Compass*, 9/6, pp. 427-437.
- Powers, M, 2016, NGO publicity and reinforcing path dependencies: Explaining the persistence of media-centered publicity strategies, *The International Journal of Press/Politics*, 21(4), pp. 490-507.
- Preston, BJ, 2006, The role of public interest environmental litigation, *Environmental and Planning Law Journal*, 23(5), pp. 337-350.
- Preston, BJ, 2011, The influence of climate change litigation on governments and the private sector, *Climate Law*, 2(4), pp. 485-513.
- PTI, 2016, Government working to eliminate coal import: Piyush Goyal, *The Economic Times*, 22 September 2016, as accessed 7/4/2017, <<<http://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/government-working-to-eliminate-coal-import-piyush-goyal/articleshow/54459898.cms>>>
- Queensland Environmental Defenders Office, 2014a, *Great Barrier Reef Marine Park sea dumping*, 26/6/2014, as accessed 1/12/2017, https://www.edoqld.org.au/great_barrier_reef_dumping_case
- Queensland Environmental Defenders Office, 2014b, *MCG launches legal action against dredging and dumping approval*, as accessed 4/4/2019, https://www.edoqld.org.au/mcg_launches_legal_action_against_dredging_and_dumping_approval
- Queensland Environmental Defenders Office, 2015a, *Great Barrier Reef dredging case*, 20/11/2015, as accessed 4/2/2019, https://www.edoqld.org.au/abbot_point_dredging_case
- Queensland Environmental Defenders Office, 2015b, *Caley Valley wetlands dumping Federal Court judicial review*, 16 March 2015, as accessed 4/2/2019, https://www.edoqld.org.au/caley_valley_wetlands_dumping
- Queensland Environmental Defenders Office, 2015c, *Government must now reject Adani mine*, 15/12/2015, as accessed 4/2/2019, https://www.edoqld.org.au/coast_country_media_release
- Queensland Environmental Defenders Office, 2015d, *Adani Carmichael coal mine Land Court objection*, as accessed 4/4/2019, https://www.edoqld.org.au/adani_carmichael_land_court_objection
- Queensland Environmental Defenders Office, 2016, *Media release: Another legal blow for Adani: Land Court refuses to award costs*, 23/3/2016, as accessed 20/7/2017, https://www.edoqld.org.au/legal_blow_adani_court_refuses_award_costs
- Queensland Environmental Defenders Office Queensland, 2017, *Abbot Pt Port expansion Supreme Court EA judicial review*, 15/6/2017, as accessed 4/4/2019, https://www.edoqld.org.au/abbot_point_port_judicial_review

- Queensland Environmental Defenders Office, 2018, *Abbot Pt & Caley Valley Wetlands: what's the legal situation?*, 24/9/2018, as accessed 10/4/2019, https://www.edoqlld.org.au/abbot_point_caley_valley_wetlands_legal_situation
- Queensland Environmental Defenders Office, 2019, *Driven by justice for people, and passion for nature*, as accessed 20/3/2019, <https://www.edoqlld.org.au/about>
- Queensland Government, 2010, *CoalPlan 2030*, November 2010, as accessed 7/4/2019, <https://www.statedevelopment.qld.gov.au/resources/plan/cg/coal-plan-2030.pdf>
- Queensland Land Court, 2018, *Guidelines for Expert Evidence in the Land Court*, 30/4/2018, as accessed 1/3/2019, https://www.courts.qld.gov.au/__data/assets/pdf_file/0011/544277/lc-pub-guidelines-for-expert-evidence-consultation.pdf
- Queensland Government Department of State Development, Manufacturing, Industry and Planning, 2019, *Galilee Basin State Development Area*, as accessed 7/4/2019, <https://www.statedevelopment.qld.gov.au/coordinator-general/galilee-basin-state-development-area.html>
- Queensland Resources Council, nd., *Press release: Land Court awards activists a free ride, Statement by QRC Chief Executive Michael Roche*, as accessed 20/5/2018, <https://www.qrc.org.au/media-releases/land-court-awards-activists-free-ride/>
- Queensland University of Technology, 2016, *FutureLearn Social Media Analytics Course*, as accessed 14/3/2017, <https://www.futurelearn.com/courses/social-media-analytics/1/steps/95674>
- Qi, G, 2018, "Public Interest Litigation" in China: Panacea or Placebo for Environmental Protection?, *China: An International Journal*, 16(4), pp. 47-75.
- Quince, A, 2015, 'What future for coal, a crucial part of Australian history?' *ABC Rearvision*, 29 September 2015, accessed 26/2/2016, <http://www.abc.net.au/radionational/programs/rearvision/what-future-for-coal-a-crucial-part-of-australian-history/6810886>
- Rackemann, DCJ, M, 2016, *Whether a planning and environment court or tribunal should be an activist for change- cause lawyering and cause judging*, delivered at 2016 Australasian Conference of Planning and Environmental Courts and Tribunals, 12 October 2016, as accessed 22/3/2019, <https://archive.sclqld.org.au/judgepub/2016/rackemann121016.pdf>
- Rajagopal, B, 2005, 'Limits of the law in counter-hegemonic globalization: the Indian Supreme Court and the Narmada Valley struggle', in de Sousa Santos, B, and Rodriguez-Garavito, C (eds), *Law and Globalisation from Below: Towards a Cosmopolitanism Legality*, Cambridge University Press, New York.
- Rauchfleisch, A, Kovic, M, 2016, The Internet and Generalized Functions of the Public Sphere: Transformative Potentials From a Comparative Perspective, *Social Media + Society*, April-June, pp. 1– 15.
- Rebich-Hespanha, S, Rice, R, Montello, D, Retzlöff, S, Tien, S, Hespanha, JP, 2014, Image Themes and Frames in US Print News Stories about Climate Change, *Environmental Communication*, 9(4), pp. 1-31.
- Reese, S, Gandy, O, Grant, A, (eds), 2003, *Framing Public Life*, Lawrence Erlbaum Associates, London.

- Reich, Z, 2010, Measuring the impact of PR on published news in increasingly fragmented news environments: A multifaceted approach, *Journalism Studies*, 11(6), pp. 799-816.
- Reul, R, Paulussen, S, Raeijmaekers, D, van der Steen, L, Maesele, P, 2018, Professional journalistic routines and the protest paradigm: The Big Potato Swap in traditional and alternative media, *Journalism*, 19(7), pp. 899-916.
- Richards, I, Chia, J, Bowd, K, 2011, When communities communicate: Rural media and social capital, *Australian Journalism Review*, 33(1), pp. 97-106.
- Richardson, J, 2007, *Analysing Newspapers An Approach from Critical Discourse Analysis*, Palgrave Macmillan, New York.
- Richardson, B, Razzaque, J, 2006, Public participation in environmental decision-making, *Environmental law for sustainability*, 6, pp. 165-194.
- Robertson, R, 2012, Globalisation or glocalisation?, *The Journal of International Communication*, 18(2), pp. 191-208. Robertson, A, 2015, *Media and politics in a globalizing world*, Polity Press, Cambridge, UK.
- Robertson, R, 2016, Introduction, in Robertson, R, Buhari-Gulmez, D, (eds), *Global Culture: Consciousness and Connectivity*, Ashgate, Surrey, UK.
- Robertson, J, 2018, Adani groundwater plan could permanently drain desert oasis, scientists say, *ABC News*, 18/3/2018, as accessed 29/11/2018, <http://www.abc.net.au/news/2018-03-21/adani-groundwater-plan-risks-permanent-damage-to-desert-springs/9569184>
- Robertson, J, Milman, O, 2015, Approval for Adani's Carmichael coalmine overturned by Federal Court, *The Guardian*, 5/8/2015, as accessed 1/12/2017, <https://www.theguardian.com/australia-news/2015/aug/05/approval-for-adanis-carmichael-coalmine-overturned-by-federal-court>
- Robson, C, 2002, *Real World Research*, 2nd edition, Blackwell, Oxford.
- Rogers, R, 2014, Foreword: Debanalising Twitter: The Transformation of an Object of Study, in Weller, K, Bruns, A, Burgess, J, Mahrt, M, and Puschmann, C, (eds), *Twitter and Society*, Peter Lang, New York.
- Rogers, R, 2015, Digital Methods for Web Research, *Emerging Trends in the Social and Behavioural Sciences*, pp. 1-22.
- Rolfe, J, 2014, Carmichael mine is a game-changer for Australian coal, *The Conversation*, 29/7/2014, as accessed 28/11/2017, <https://theconversation.com/carmichael-mine-is-a-game-changer-for-australian-coal-29839>
- Rose, C, 2012, *How to Win Campaigns: Communications for Change*, Taylor and Francis, Hoboken.
- Rosenberg, G, 2008, *The Hollow Hope Can Courts Bring About Social Change?*, 2nd edition, The University of Chicago Press, Chicago.
- Roy Morgan, 2018, *TV main source of news – and most trusted*, as accessed 31/5/2019, <http://www.roymorgan.com/findings/7746-main-sources-news-trust-june-2018-201810120540>
- Safi, M, 2017, India has enough coal without Adani mine, yet must keep importing, minister says, *The Guardian*, 13/6/2017, as accessed 4/4/2018,

- <https://www.theguardian.com/environment/2017/jun/13/india-enough-coal-without-adani-mine-must-keep-importing-piyush-goyal>
- Sarat, A, Scheingold, S, 2006, *Cause lawyers and social movements*, Stanford University Press, Stanford.
- Sax, J, 1971, *Defending the environment: a strategy for citizen action*, Knopf.
- Schafer, M, Ivanova, A, Schmidt, A, 2014, What drives media attention for climate change? Explaining issue attention in Australian, German and Indian print media from 1996 to 2010, *The International Communication Gazette*, 76 (2), pp. 152-176.
- Scheingold, S, 1972, 2004, *The politics of rights: Lawyers, public policy, and political change*, University of Michigan Press, US.
- Schmidt, A, Ivanova, A, Schäfer, M, 2013, Media attention for climate change around the world: A comparative analysis of newspaper coverage in 27 countries, *Global Environmental Change*, 23(5), pp. 1233-1248.
- Schneider, J, Schwarze, S, Bsumek, P, Peeples, J, 2016, *Under pressure: Coal industry rhetoric and neoliberalism*, Palgrave Macmillan, London.
- Schuldt, J, Roh, S, 2014, Media Frames and Cognitive Accessibility: What Do “Global Warming” and “Climate Change” Evoke in Partisan Minds?, *Environmental Communication*, 8(4), pp. 529–548.
- Schwarz, E, 2013, Visualizing the Chesapeake Bay watershed debate, *Environmental Communication: A Journal of Nature and Culture*, 7(2), pp. 169-190.
- Schweizer, S, Davis, S, Thompson, J, 2013, Changing the Conversation about Climate Change: A Theoretical Framework for Place-Based Climate Change Engagement, *Environmental Communication*, 7(1), pp. 42-62.
- Segerberg, A, Bennett, WL, 2011, Social Media and the Organization of Collective Action: Using Twitter to Explore the Ecologies of Two Climate Change Protests, *The Communication Review*, 14, pp. 197-215.
- Sengupta, D, 2016, Government revokes Coal India’s 1 bn tonne target, *Energy World from the Economic Times*, 2/9/2016, as accessed 7/4/2017, <http://energy.economictimes.indiatimes.com/news/coal/government-revokes-coal-indias-1-bn-tonne-target/53972999>
- Seidman, I, 2006, *Interviewing as qualitative research: A guide for researchers in education and the social sciences*, Teachers College Press, New York.
- Seppänen, J, Väliverronen, E, 2003, Visualizing biodiversity: the role of photographs in environmental discourse, *Science as Culture*, 12(1), pp. 59-85.
- Sexton, E 2012, Leighton braces as dealings of offshore arm are examined - CONTRACTING', *Sydney Morning Herald, The*, 25/2/2012, p. 7, online NewsBank.
- Sharma, S, 2014, Politics of Body Spectacle: Old Movements Creating New(s) Stories, in Batabyal, S, (eds), *Environment, Politics and Activism, The Role of Media*, Routledge, New Delhi.

- Sharman, A, Howarth, C, 2017, Climate stories: Why do climate scientists and sceptical voices participate in the climate debate?, *Public Understanding of Science*, 26(7), pp. 826-842.
- Shaw, F, Burgess, J, Crawford, K, Bruns, A, 2013, Sharing news, making sense, saying thanks, *Australian Journal of Communication*, 40(1), pp. 23-39.
- Shdaimah, C, 2006, Intersecting Identities Cause Lawyers as Legal Professionals and Social Movement Actors, in Sarat, A, and Scheingold, S, (eds), *Cause lawyers and social movements*, Stanford University Press, Stanford.
- Shearer, C, Mathew-Shah, N, Myllyvirta, L, Yu, A, Nace, T, 2018, *Boom and Bust 2018 Tracking the Global Coal Plant Pipeline*, as accessed 7/4/2019, https://endcoal.org/wp-content/uploads/2018/03/BoomAndBust_2018_r6.pdf
- Shoemaker, P, Vos, T, 2009, *Gatekeeping theory*, Routledge, New York.
- Sill, K, Metzgar, E, Rouse, S, 2013, Media Coverage of the US Supreme Court: How do journalists assess the importance of court decisions?, *Political Communication*, 30(1), pp. 58-80.
- Silverstein, H, 1996, *Unleashing Rights: Law, Meaning and the Animal Rights Movement*, The University of Michigan Press, United States.
- Sima, Y, 2011, Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China, *Asian Studies Review*, 35(4), pp. 477-497.
- Slezak, M, 2018a, Adani plans to protect desert springs are worthless, water experts say, *ABC News*, 19/6/2018, as accessed 29/11/2018, <http://www.abc.net.au/news/2018-06-19/adani-plans-to-protect-desert-springs-worthless-experts-say/9882548>
- Slezak, M, 2018b, Adani says a scaled-down version of its Carmichael coal mine will go ahead; environmentalists express scepticism, *ABC News*, 29/11/2018, as accessed 5/5/2018, <https://www.abc.net.au/news/2018-11-29/adani-carmichael-coal-mine-go-ahead-plans-to-self-fund/10567848>
- Slotnick, E, Segal, J, 1998, *Television news and the Supreme Court: All the news that's fit to air?*, Cambridge University Press, London.
- Small, M, 2011, How to conduct a mixed methods study: Recent trends in a rapidly growing literature, *Annual Review of Sociology*, 37, pp. 57-86.
- Smith, N, Joffe, H, 2009, Climate change in the British press: The role of the visual, *Journal of Risk Research*, 12(5), pp. 647-663.
- Solberg, R, Waltenburg, E, 2014, *The media, the court, and the misrepresentation: The new myth of the court*, Routledge, New York.
- Sotiriadou, P, Brouwers, J, Le, T, 2014, Choosing a qualitative data analysis tool: a comparison of NVivo and Leximancer, *Annals of Leisure Research*, 17(2), pp. 218-234.
- Spigelman, J, 2006, The Principle of Open Justice: A Comparative Perspective, *UNSW Law Journal*, 19, 29(2), p. 147.
- Spill, R, Oxley, Z, 2003, Philosopher kings or political actors-how the media portray the Supreme Court, *Judicature*, 87, pp. 22-29.

- Stacey, K, 2017, Adani battles to fund Australia coal ambitions - Mining. Green lobbying Banks are shunning plans for a mine, port and railway that are expected to cost A\$16.5bn, 4/7/2017, *Financial Times* (London, England), p. 16, online NewsBank
- State Government of Queensland Department of State Development, 2017a, *Alpha Coal Project*, as accessed 5/4/2019, <http://statedevelopment.qld.gov.au/assessments-and-approvals/alpha-coal-project.html>
- State Government of Queensland Department of State Development, 2017b, *Galilee Coal Project (Northern Export Facility)*, as accessed 5/4/2019, <http://statedevelopment.qld.gov.au/assessments-and-approvals/galilee-coal-project.html>
- State Government of Queensland Department of State Development, 2017c, *Abbot Point Coal Terminal Expansion - Stage 3*, as accessed 6/4/2019, <http://statedevelopment.qld.gov.au/assessments-and-approvals/abbot-point-coal-terminal-expansion-stage-3.html>
- State Government of Queensland Department of State Development, 2018a, *Carmichael and Coal mine and rail project*, as accessed 4/4/2019, <http://www.statedevelopment.qld.gov.au/assessments-and-approvals/carmichael-coal-mine-and-rail-project.html>
- State Government of Queensland Department of State Development 2018b, *North Galilee Basin Rail Project*, as accessed 16/11/2017, <http://www.statedevelopment.qld.gov.au/assessments-and-approvals/north-galilee-basin-rail-project.html>
- State Government of Queensland Department of State Development, 2018c, *China Stone Coal Project*, , as accessed 5/4/2019, <http://statedevelopment.qld.gov.au/assessments-and-approvals/china-stone-coal-project.html>
- State Government of Queensland Department of State Development, 2018d, *Kevin's Corner Project*, as accessed 5/4/2019, <https://www.statedevelopment.qld.gov.au/assessments-and-approvals/kevin-s-corner-project.html>
- State Government of Queensland Department of State Development, 2018e, *South Galilee Coal Project*, as accessed 5/4/2019, <https://www.statedevelopment.qld.gov.au/assessments-and-approvals/south-galilee-coal-project.html>
- Steger, M, 2013, It's About Globalization, After All: Four Framings of Global Studies. A Response to Jan Needervan Pieterse's 'What is Global Studies?', *Globalizations*, 10 (6), pp. 771-777.
- Stenport, A, Vachula, R, 2017, Polar bears and ice: cultural connotations of Arctic environments that contradict the science of climate change, *Media, Culture & Society*, 39(2), pp. 282-295
- Stoddart, M, Sodero, S, 2015, From fisheries decline to tourism destination: Mass media, tourism mobility, and the Newfoundland coastal environment, *Mobilities*, 10(3), pp. 445-465.
- #StopAdani, 2019, #StopAdani website, as accessed 4/4/2019, <http://www.stopadani.com/>

- Stoutenborough, J, Haider-Markel, D, Allen, M, 2006, Reassessing the impact of Supreme Court decisions on public opinion: Gay civil rights cases, *Political Research Quarterly*, 59(3), pp. 419-433.
- Strömbäck, J, 2008, Four phases of mediatization: An analysis of the mediatization of politics, *The international journal of press/politics*, 13(3), pp. 228-246.
- Sturken, M, Cartwright, L, 2003, *Practices of looking*, Oxford University Press, Oxford, UK.
- Szerszynski, B, Urry, J, 2002, Cultures of cosmopolitanism, *The Sociological Review*, 50(4), pp. 461- 481.
- Tankard, J, 2003, The Empirical Approach to the Study of Framing, in Reese, S, Gandy, O and Grant, A, (eds), *Framing Public Life*, Lawrence Erlbaum Associates, London.
- Tandoc, Jr. E, 2018, Five ways BuzzFeed is preserving (or transforming) the journalistic field, *Journalism*, 19(2), pp. 200-216.
- Tarrow, S, 2011, *Power in Movements: Social Movements and Contentious Politics*, Cambridge University Press, New York.
- Tarrow, S, Tilly, C, 2015, *Contentious Politics*, 2nd edition, Oxford University Press, New York.
- Taylor, C, Meinshausen, M, 2015, *Joint Report to the Land Court of Queensland on "Climate Change – Emissions"*, Adani Mining Pty Ltd (Adani) v Land Services of Coast and Country Inc & Ors, as accessed 15/11/2017, <http://envlaw.com.au/wp-content/uploads/carmichael14.pdf>
- The Australia Institute, 2015, *Expert evidence given to case against Adani coal mine at Carmichael*, 28/4/2015, as accessed 4/4/2019, <http://www.tai.org.au/content/expert-evidence-given-case-against-adani-coal-mine-carmichael>
- The Australia Institute, 2017, *Facebook post 2/10/2017*, as accessed 20/12/2018, <https://www.facebook.com/TheAustraliaInstitute/>
- The Sunrise Project, 2019, *Our Approach*, as accessed 3/4/2019, <https://sunriseproject.org.au/approach/>
- Theocharis, Y, Lowe, W, van Deth, J. W, García-Albacete, G, 2015, Using Twitter to mobilize protest action: Online mobilization patterns and action repertoires in the Occupy Wall Street, Indignados, and Aganaktismenoi movements, *Information, Communication & Society*, 18(2), pp. 202–220.
- Thompson, J, 2005, The New Visibility, *Theory, Culture and Society*, 22(6), pp. 31-51.
- Thomsen, D, 2015, Seeing is questioning: prompting sustainability discourses through an evocative visual agenda, *Ecology and Society*, 20(4), pp. 1-9.
- Thussu, D, 2009, *Internationalizing media studies*, Routledge, London.
- Thussu, D, 2018, *International communication: Continuity and change*. Bloomsbury Publishing, London.
- Thrall, A, Stecula, D, Sweet, D, 2014, May We Have Your Attention Please? Human-Rights NGOs and the Problem of Global Communication, *The Journal of International Press/Politics*, 19(2), pp. 135– 159.

- Tiffen, R, 2010, The Press, in Cunningham, S, and Turner, G, (eds), *The Media and Communications in Australia*, 3rd edition, Allen and Unwin, Crows Nest, Australia.
- Treré, E, 2012, Social movements as information ecologies: Exploring the coevolution of multiple Internet technologies for activism, *International Journal of Communication*, 6, pp. 2359-2377.
- Trumbo, C, Kim, S, 2015, Agenda Setting with Environmental Issues, in Hansen, A, and Cox, R, (eds), *The Routledge Handbook of Environment and Communication*, Routledge, New York, pp. 312-323.
- Tufekci, Z, 2013, "Not this one" social movements, the attention economy, and microcelebrity networked activism. *American Behavioral Scientist*, 57(7), pp. 848-870.
- Turk, A, 1976, Law as a weapon in social conflict, *Social Problems*, 23(3), pp. 276-291.
- Uldam, J, 2016, Corporate management of visibility and the fantasy of the post-political: Social media and surveillance, *New Media & Society*, 18(2), pp. 201–219.
- Urkidi, L, Walter, M, 2011, Dimensions of environmental justice in anti-gold mining movements in Latin America, *Geoforum*, 42(6), pp. 683-695.
- Usher, M, 2013, Defending and transcending local identity through environmental discourse, *Environmental Politics*, 22 (5), pp. 811-831.
- Van Dijk, T, 1993, Principles of Critical Discourse Analysis, *Discourse and Society*, Volume 4 (2), pp. 249-283.
- Van Dijk, T, 2001, Critical discourse analysis, in Tannen, D, Schiffrin, D, and Hamilton, H (eds), *Handbook of discourse analysis*, Blackwell, Oxford.
- Vanhala, L, 2012, Legal Opportunity Structures and the Paradox of Legal Mobilization by the Environmental Movement in the UK, *Law & Society Review*, 46(3), pp. 523-556.
- Van Leuven, S, Joye, S, 2014, Civil society organizations at the gates? A gatekeeping study of news making efforts by NGOs and government institutions, *The International Journal of Press/Politics*, 19(2), pp. 160-180.
- Van Vuuren, K, Lester, L, 2008, Ecomedia: Of angelic images and environmental values, *Media International Australia*, 127(1), pp. 71-81.
- Vining, Jr. R, Wilhelm, T, 2010, Explaining High-Profile Coverage of State Supreme Court Decisions, *Social Science Quarterly*, 91(3), pp. 704-723.
- Volkmer, I, 2014, *The Global Public Sphere: Public Communication in the Age of Reflective Interdependence*, Polity Press, Cambridge.
- Volling, T, 2017, Claims that Adani Coal Mine will threaten future tourism jobs in Far North, *Cairns Post*, 17/6/2017, as accessed 22/2/2018, <http://www.cairnspost.com.au/news/cairns/claims-that-adani-coal-mine-will-threaten-future-tourism-jobs-in-far-north/news-story/2bab121ae006fd55b7eb0120bf13054c>
- Vromen, A, Coleman, W, 2013, Online Campaigning Organizations and Storytelling Strategies: GetUp! In Australia, *Policy and Internet*, 5(1), pp. 76-100.

- Waisbord, S, 2013, Contesting Extractivism: Media and Environmental Citizenship in Latin America, in Lester, L, and Hutchins, B, (eds), *Environmental Conflict and The Media*, Peter Lang Publishing, New York, pp. 106-123.
- Waisbord, S, 2016, Communication studies without frontiers? Translation and cosmopolitanism across academic cultures, *International Journal of Communication*, 10(2016), pp. 868-886.
- Wakefield, M, Clegg Smith, K, Chapman, S, 2005, Framing of Australian newspaper coverage of a secondhand smoke injury claim: Lessons for media advocacy, *Critical Public Health*, 15(1), pp. 53-63.
- Wallace, A, Johnston, J, 2015, Tweeting from court: new guidelines for modern media. *Media Arts Law Review*, 20(1), pp. 15-32.
- Walters, R, 2013, Air Crimes and Atmospheric Justice, in South, N, and Brisman, A, (eds), *Routledge Handbook of Green Criminology*, Routledge, London.
- Wangan and Jagalingou Family Council, 2019, *Latest News*, as accessed 8/4/2019, <https://wanganjagalingou.com.au/category/latest-news/>
- Weekes, J, 2017, Court: 'Negative impacts inevitable for proposed mega mines', *Central Queensland News*, 4/7/2017, as accessed 20/3/2019, <https://www.cqnews.com.au/news/grazier-loses-battle-against-galilee-basin-mega-mi/3196542/>
- Weller, K, Bruns, A, Burgess, J, Mahrt, M, Puschmann, C, (eds), 2014, *Twitter and Society*, Peter Lang, New York.
- West, M, 2013, Is the Internet an Emergent Public Sphere?, *Journal of Mass Media Ethics*, 28(3), pp. 155-159.
- Williams, A, 2015, Environmental News Journalism, Public Relations and News Source, in Hansen, A, and Cox, R, (eds), *The Routledge Handbook of Environment and Communication*, Routledge, New York, pp. 197-205.
- Williams, H, McMurray, J, Kurz, T, Lambert, F, 2015, Network analysis reveals open forums and echo chambers in social media discussions of climate change, *Global Environmental Change*, 32, pp. 126-138.
- Wilson, R, 2017, Faces of the Climate Movement, *Environmental History*, 22, pp. 128–139.
- White, R, Heckenberg, D, 2014, *Green Criminology: An Introduction to the Study of Environmental Harm*, Routledge, London.
- Wodak, R, 1999, Critical Discourse Analysis at the End of the 20th Century, *Research on Language and Social Interactions*, 32 (1 & 2), pp. 185-193.
- Wodak, R, Meyer, M, (eds), 2009, *Methods of Critical Discourse Analysis*, 2nd edition, Sage Publications, London.
- Worden, S, Kirsch, A, Kirsch, P, 2014, *Moving Beyond Economic Framing of the Australian Coal Industry*, In Proceedings of AUSIMM Life of Mine Conference, The Australasian Institute of Mining and Metallurgy, Melbourne, pp. 365-375.
- Yin, R, 2014, *Case Study Research: Design and Methods*, 5th edition, Sage Publications, California, USA.

- Yin, R, 2016, *Qualitative Research from Start to Finish*, The Guildford Press, London.
- Zhang, A, Moffat, K, Lacey, J, Wang, J, González, R, Uribe, K, Cui, L, Dai, Y, 2015, Understanding the social licence to operate of mining at the national scale: a comparative study of Australia, China and Chile, *Journal of Cleaner Production*, 108, pp. 1063-1072.

9 APPENDICES

9.1 Appendix A: Corpus news texts cited

ABC News, 15/3/2015, Galilee Basin: Who wants to capitalise on last undeveloped coal resource in Queensland?, *ABC News*, as accessed 15/6/2016, <https://www.abc.net.au/news/2015-03-15/galilee-basin-explainer/6315654>

ABC News, 5/8/2015, Approval of Adani's \$16 billion Carmichael coal mine in Queensland's Galilee Basin set aside by Federal Court, *ABC News*, updated 6/8/2015, as accessed 15/6/2016, <https://www.abc.net.au/news/2015-08-05/federal-court-overturns-approval-of-adanis-carmichael-coal-mine/6673734>

ABC News, 6/8/2015, Adani mine decision: Federal Court ruling shifts environmental approval goal post, MP says, *ABC News*, as accessed 9/4/2016, <https://www.abc.net.au/news/2015-08-06/adani-decision-court-shifted-goal-posts-christensen/6676450>

ABC News, 7/8/2015, Blocking Adani coal mine approval 'dangerous' for Australia, 'tragic' for world: Tony Abbott, *ABC News*, as accessed 15/6/2016, <https://www.abc.net.au/news/2015-08-07/abbott-says-overturning-of-adani-approval-is-dangerous/6680200>

ABC News, 3/4/2016, Carmichael coal mine: Mining leases approved for \$21 billion project in Queensland's Galilee Basin, *ABC News*, updated 4/4/2016, as accessed 15/6/2016, <https://www.abc.net.au/news/2016-04-03/mining-leases-approved-carmichael-mine-qld-galilee-basin-adani/7295188>

Arup, T, 9/4/2016, FADE OUT, *The Sydney Morning Herald* (Australia), p. 25, online NewsBank.

Australian, The, 19/8/2015, Lawfare warfare against coal exposes the green grassroots as activist astroturfing, *The Australian* (Australia), p. 15, online NewsBank.

Australian, The, 17/12/2015, Letters to the Editor, *The Australian* (Australia), p. 13, online Newsbank.

Australian Associated Press, 31/3/2015a, Opponents of Adani mine in Galilee Basin cite threat to endangered finch, *The Australian*, as accessed 20/2/2018, <https://www.theaustralian.com.au/business/mining-energy/opponents-of-adani-mine-in-galilee-basin-cite-threat-to-endangered-finch/news-story/4b7ba707aa2a5e391fece354b60d3e2a>

Australian Associated Press, 31/3/2015b, Queensland coal mine could hurt endangered finch, court hears, *The Sydney Morning Herald*, as accessed 22/2/2018, <https://www.smh.com.au/environment/queensland-coal-mine-could-hurt-endangered-finch-court-hears-20150331-1mcabk.html>

Australian Associated Press, 7/4/2015a, Adani mega-mine would damage environment: court, *The Sydney Morning Herald*, as accessed 4/3/2018, <https://www.smh.com.au/business/companies/adani-megamine-would-damage-environment-court-20150407-1mftmc.html>

Australian Associated Press, 7/4/2015b, Carmichael coalmine plan would push climate to a dangerous state, court told, *The Guardian*, as accessed 4/3/2018, <https://www.theguardian.com/environment/2015/apr/07/carmichael-coalmine-plan-would-push-climate-to-a-dangerous-state-court-told>

Australian Associated Press, 7/8/2015, Tony Abbott must respect the courts over Carmichael ruling, say lawyers, *The Guardian*, as accessed 5/6/2016, <https://www.theguardian.com/environment/2015/aug/07/tony-abbott-must-respect-the-courts-over-carmichael-ruling-say-lawyers>

Australian Associated Press, 10/11/2015, Adani mine faces another challenge, *The Weekend Australian*, as accessed 16/5/2017, <https://www.theaustralian.com.au/business/business-spectator/adani-mine-faces-another-challenge/news-story/3af7a4986539b3c5b56fc8a91d552226>

Australian Associated Press, 23/3/2016, Court rejects Adani's bid for court costs, *The Sydney Morning Herald*, as accessed 20/2/2018, <https://www.smh.com.au/business/companies/court-rejects-adanis-bid-for-court-costs-20160323-gnpckn.html>

Australian Associated Press, 25/11/2016, Queensland: court dismisses bid to stop Adani coalmine on environmental grounds, *The Guardian*, as accessed 10/12/2017, <https://www.theguardian.com/business/2017/aug/25/queensland-court-dismisses-bid-to-stop-adani-coalmine-on-environmental-grounds>

Australian Associated Press, 26/11/2016, Environmental challenge to Carmichael coalmine dismissed by supreme court, *The Guardian*, as accessed 15/3/2017, <https://www.theguardian.com/business/2016/nov/25/environmental-challenge-to-carmichael-coalmine-dismissed-by-supreme-court>

Australian Associated Press, 5/10/2016, Green 'abuse' warrants Australian law review, says resources minister, *The Guardian*, as accessed 2/2/2017, <https://www.theguardian.com/environment/2016/oct/05/green-abuse-warrants-australian-law-review-says-resources-minister>

Australian Associated Press, 15/6/2017, Whitsunday anti-dumping group loses bid to stop Adani expansion, *The Sydney Morning Herald*, as accessed 20/2/2018, <https://www.smh.com.au/business/companies/whitsunday-antidumping-group-loses-bid-to-stop-adani-expansion-20170615-gwrj1e.html>

Australian Associated Press, 25/8/2017, Federal Court rejects latest bids to stop Adani, *The Sydney Morning Herald*, as accessed 22/2/2018, <https://www.smh.com.au/business/companies/federal-court-rejects-latest-bids-to-stop-adani-20170825-gy47iq.html>

Armitage, C, 8/8/2015, Slimy, scaly, spotted, furry, feathered, flying critters that put brakes on development, *The Sydney Morning Herald*, as accessed 5/2/2018, <https://www.smh.com.au/environment/conservation/adani-minings-bowen-basin-development-snookered-by-lowlying-life-forms-20150805-gisij7.html>

Australian Financial Review, 6/8/2015, Eco-activism is a major cost to the community, *Australian Financial Review*, as accessed 9/1/2018, <https://www.afr.com/opinion/editorials/ecoactivism-is-a-major-cost-to-the-community-20150806-gisqbb>

Balogh, S, 8/8/2015, Coal backs PM's 'sabotage' call, *Weekend Australian* (Australia), p. 8, online Newsbank.

Balogh, S, 17/8/2015, Economy 'threatened by lawfare', *The Australian* (Australia), p. 1, online Newsbank.

Branco, J, 28/4/2015, Adani mine to create 1464 jobs, not 10,000, 28/4/2015, *Central Queensland News*, as accessed 2/2/2018, <https://www.cqnews.com.au/news/adani-mine-create-1464-jobs-not-10000/2620978/>

Burke, G, Clarke, D, 3/12/2016, Adani's \$2 billion Carmichael rail line in Queensland closer to federal loan, *ABC News*, as accessed 2/2/2017, <https://www.abc.net.au/news/2016-12-03/adani-carmichael-rail-line-closer-to-federal-loan/8089790>

Butterworth, K, 7/8/2015, Adani's coal mine in limbo, *Central Queensland News*, as accessed 1/2/2018, <https://www.cqnews.com.au/news/adanis-coal-mine-in-limbo-mine-plans-hit-enviro-sn/2731501/>

Central Queensland News, 18/6/2014, Govt delays mine decision for basin, *Central Queensland News*, p. 3, online Newsbank.

Central Queensland News, 15/1/2015, Legal challenge against Adani's Carmichael coal mine, *Central Queensland News*, as accessed 15/2/2018, <https://www.cqnews.com.au/news/legal-challenge-against-adanis-carmichael-coal-min/2512096/>

Central Queensland News, 10/4/2015, Focus on soil analysis, *Central Queensland News*, p. 10, (online NewsBank).

Central Queensland News, 1/5/2015, Adani in court battle with green group, *Central Queensland News*, p. 3, online NewsBank.

Central Queensland News, 5/8/2015, Carmichael Mine Federal Government approval overturned, *Central Queensland News*, as accessed 15/3/2018, <https://www.cqnews.com.au/news/carmichael-mine-federal-government-approval-overtu/2729663/>

Central Queensland News, 12/11/2015, Adani boss 'oversaw mine behind huge pollution disaster', *Central Queensland News*, as accessed 6/2/2018, <https://www.cqnews.com.au/news/adani-boss-oversaw-mine-behind-massive-pollution-d/2839048/>

Central Queensland News, 15/12/2015, Adani mine a step closer after Land Court decision, *Central Queensland News*, as accessed 16/3/2017, <https://www.cqnews.com.au/news/adani-mine-step-closer-after-land-court-decision/2873929/>

Chang, C, 17/6/2017, Who is Gautam Adani, the man behind the mine?, *Central Queensland News*, as accessed 10/2/2018, <https://www.cqnews.com.au/news/who-gautam-adani-man-behind-mine/3190742/>

Christensen, G, 1/9/2016, Christensen: Adani decision a 'a win for common sense', *Central Queensland News*, as accessed 4/2/2018, <https://www.cqnews.com.au/news/christensen-adani-decision-a-win-for-common-sense/3084304/>

Clarke, M, 18/8/2015, Adani coal mine: Government plans to stymie litigation on major developments 'bizarre', environment groups say, *ABC News*, <https://www.abc.net.au/news/2015-08-18/adani-coal-mine-environment-groups-fight-government-plans/6704540>

Clark, D, 24/6/2016, Abbot Point coal terminal expansion challenge to be heard in Supreme Court, *ABC News*, as accessed 18/5/2017, <https://www.abc.net.au/news/2016-06-24/residents-group-granted-court-approval-scrutinise-abbot-point/7540548>

Corbett, B, 6/12/2016, Gautum Adani arrives cap in hand ... in his private jet, *Australian Financial Review*, as accessed 6/7/2017, <https://www.afr.com/brand/rear-window/gautum-adani-arrives-cap-in-hand--in-his-private-jet-20161206-gt4uhr>

Courier Mail, The, 16/4/2015, Coal mine reason to celebrate, *The Courier Mail* (Brisbane, Australia), p. 46, online NewsBank.

Courier Mail, The, 9/5/2015, 99 CENT NIGHTMARE, *The Courier Mail* (Brisbane, Australia), p. 1, online NewsBank.

Courier Mail, The, 6/8/2015, Don't let Greenies kick up a skink over mining, *The Courier Mail* (Brisbane, Australia), p. 46, online NewsBank.

Courier Mail, The, 10/11/2015, Balancing the rights of developers and climate, *The Courier Mail* (Brisbane, Australia), p. 22, online NewsBank.

Courier Mail, The, 16/12/2015, Adani clears hurdle in megamine battle, *The Courier Mail* (Brisbane, Australia), p. 11, online NewsBank.

Courier Mail, The, 28/4/2016, We must change laws to stop legal vandals, *The Courier Mail* (Brisbane, Australia) p. 28, online NewsBank.

Courier Mail, The, 17/6/2016, State must curb Green 'lawfare' to shield jobs', *The Courier Mail* (Brisbane, Australia), p. 34, online NewsBank.

Courier Mail, The, 23/9/2016, Lawsuits hit Adani mine plans, *The Courier Mail* (Brisbane, Australia), p. 18, online NewsBank.

Cox, L, 5/8/2015, Federal Court overturns approval of Adani Carmichael coal mine in Queensland, *The Sydney Morning Herald*, as accessed 5/2/2018, <https://www.smh.com.au/business/companies/federal-court-overturns-approval-of-adani-carmichael-coal-mine-in-queensland-20150805-girtz9.html>

Cox, L, 20/8/2015, The Adani myths busted - Analysis, *The Sydney Morning Herald* (Australia), p. 13, online NewsBank.

Cox, L, 16/12/2015, Sting in coalmine ruling - Courts, *The Sydney Morning Herald* (Australia), p. 24, online NewsBank.

Crowe, D, 12/4/2017, Adani mine has huge economic benefits: Turnbull, *The Australian* (Australia), p. 4, online NewsBank.

Davies, A, 19/9/2015, Green 'vigilante' the wealthy new face of activism - Environment - Tax concession dispute, *The Sydney Morning Herald*, p. 4, online NewsBank.

Egan, G, 29/8/2016, Second case against Carmichael mine dismissed, *Central Queensland News*, as accessed 20/4/2017, <https://www.cqnews.com.au/news/second-case-against-carmichael-mine-dismissed/3083302/>

Egan, G, 26/11/2016, Carmichael could face two more years in court: QRC, *Central Queensland News*, as accessed 10/2/2018, <https://www.cqnews.com.au/news/carmichael-could-face-two-more-years-in-court-qrc/3116008/>

Egan, G, 3/3/2017a, ACF to challenge 'drug dealer's defence' of Adani, *Central Queensland News*, as accessed 3/2/2018, <https://www.cqnews.com.au/news/acf-to-challenge-drug-dealers-defence-of-adani/3149890/>

Egan, G, 3/3/2017b, Greenies mine 'drug' defence on Adani coal, *The Courier Mail* (Brisbane, Australia), p. 21, online NewsBank.

Egan, G, 25/8/2017, Green Groups lose two more legal challenges against Adani, *Central Queensland News*, as accessed 15/3/2018, <https://www.cqnews.com.au/news/green-groups-lose-two-more-legal-challenges-against-adani/3216439/>

emcbryde, 17/4/2015, Environmentalists scoff at Adani's 'benefits to community', *Central Queensland News*, as accessed 10/2/2018, <https://www.cqnews.com.au/news/environmentalists-scoff-adani-benefits-community/2609728/>

emcbryde, 25/4/2015, Adani's finances under the spotlight, *Central Queensland News*, as accessed 15/5/2018, <https://www.cqnews.com.au/news/adani-finances-under-spotlight/2618434/>

emcbryde, 9/11/2015, Legal challenge lodged against Adani mega mine, *Central Queensland News*, as accessed 12/2/2018, <https://www.cqnews.com.au/news/legal-challenge-against-adani-mega-mine/2834374/>

emcbryde, 18/11/2015, Adani to join court hearing against Federal Government, *Central Queensland News*, as accessed 10/2/2018, <https://www.cqnews.com.au/news/adani-joins-feds-in-environmental-groups-case/2845721/>

Fitzgerald, B, 8/8/2015, Decision a setback, but Adani is not about to go away, *The Weekend Australian*, p. 8, online NewsBank.

Fraser, K, 4/5/2015, 'No lies' in jobs figure', *The Courier Mail* (Brisbane, Australia), p. 14, online NewsBank.

Frost, P, 8/4/2015, Coal burning will damage reef, scientist tells court, *Central Queensland News*, as accessed 15/2/2018, <https://www.cqnews.com.au/news/coal-burning-will-damage-reef-scientist-court/2599972/>

Frost, P, 9/4/2015, Groundwater dominates discussion at Adani court case, *Central Queensland News*, as accessed 15/2/2018, <https://www.cqnews.com.au/news/groundwater-dominates-discussion-adani-court-case/2601119/>

Frost, P, 29/4/2015, Protesters dig in against coal as major court case continues, *Central Queensland News*, as accessed 15/2/2018, <https://www.cqnews.com.au/news/protesters-dig-against-coal-major-court-case-continues/2622364/>

Frost, P, 14/5/2015, Court in 'best position' to decide on mine, say activists, *Central Queensland News*, as accessed 15/2/2018, <https://www.cqnews.com.au/news/court-best-position-decide-mine-say-activists/2638659/>

- Frost, P, 6/8/2015, Skink and little snake put hold on controversial coal mine, *Central Queensland News*, as accessed 15/2/2018, <https://www.cqnews.com.au/news/adani-confident-mine-approved-despite-court-decisi/2730294/>
- Frost, P, 3/5/2016, Lawyers: Carmichael emissions 3x more than reduction target', *Central Queensland News*, as accessed 12/2/2018, <https://www.cqnews.com.au/news/Lawyers-Carmichael-emissions-3x-more-than-reducti/3015419/>
- Frost, P, 4/5/2016, Lawyers defend minister's approval of mine, *Central Queensland News*, as accessed 15/2/2018, <https://www.cqnews.com.au/news/Lawyers-defend-ministers-approval-of-mine/3016697/>
- Godwin, E, 15/6/2017, Adani coal mine: Abbot Point terminal review Decided, *Central Queensland News*, as accessed 20/2/2018, <https://www.cqnews.com.au/news/adani-coal-mine-abbott-point-terminal-review-decid/3189843/>
- Godwin, E, 16/6/2017, Court gives green light to Adani Abbot Point expansion, *Central Queensland News*, as accessed 20/2/2018, <https://www.cqnews.com.au/news/court-gives-green-light-to-adani-abbot-point-expan/3190091/>
- Grant-Taylor, T, 13/7/2010, India interested in Queensland coal, *The Courier Mail* (Brisbane, Australia), p. 025, online NewsBank.
- Hannam, P, 29/8/2016, Australian Conservation Foundation loses Federal Court case on Adani coal, *The Sydney Morning Herald*, as accessed 16/1/2018, <https://www.smh.com.au/environment/climate-change/australian-conservation-foundation-loses-federal-court-case-on-adani-coal-20160829-gr3au2.html>
- Hasham, N, 7/8/2015a, 'Tragic for the wider world': Tony Abbott decries court ruling against Adani coal mine, *The Sydney Morning Herald*, as accessed 15/2/2018, <https://www.smh.com.au/politics/federal/tragic-for-the-wider-world-tony-abbott-decries-court-ruling-against-adani-coal-mine-20150807-gitp64.html>
- Hasham, N, 7/8/2015b, Adani mine: NSW Bar chides Tony Abbott over 'sabotage' comments, *The Sydney Morning Herald*, as accessed 15/2/2018, <https://www.smh.com.au/politics/federal/adani-mine-nsw-bar-chides-tony-abbott-over-sabotage-comments-20150807-giuc8c.html>
- Hepburn, S, 16/1/2015, Court challenge will test coal mining's climate culpability, *Central Queensland News*, as accessed 15/2/2018, <https://www.cqnews.com.au/news/court-challenge-will-test-coal-minings-climate-cul/2513182/>
- Hepworth, A, 25/11/2016, 'Faster approvals or lose billions', *The Australian* (Australia), p. 2, online NewsBank.
- Honnery, C, 30/8/2016, Adani Carmichael coalmine expansion protested in Brisbane, *The Courier Mail*, as accessed 30/3/2017, <https://www.couriermail.com.au/news/queensland/adani-carmichael-coalmine-expansion-protested-in-brisbane/news-story/a616eeb68199f157a005b306542529bf>
- Howells, M, 8/5/2014, Queensland Government announces \$16b coalmine in Galilee Basin, subject to Federal approval, *ABC News*, updated 13/5/2014, as accessed 15/3/2019, <https://www.abc.net.au/news/2014-05-08/queensland-government-approves-16b-coal-mine-in-galilee-basin/5438704>

- Johns, G, 19/11/2015, MAKING PEOPLE'S LIVES TOUGHER IS HARDLY AN ACT OF CHARITY, *The Australian* (Australia), p. 12, online NewsBank.
- Keany, F, 13/12/2015, Paris climate deal: What will the historic agreement mean for Australia?, *ABC News*, as accessed 15/6/2016, <https://www.abc.net.au/news/2015-12-13/what-will-the-paris-climate-deal-mean-for-australia/7024476>
- Kelly, J, 29/10/2016, Australian alarm over Podesta's anti-coal activities, *Weekend Australian*, p. 2, online NewsBank.
- Kenny, M, 6/8/2015, Risks abound with reptiles in the grass - Comment, *The Sydney Morning Herald* (Australia), p. 6, online NewsBank.
- Kerin, J, 12/8/2015, Andrew Robb says 'lawfare' against Adani risk trade deal, *Australian Financial Review*, as accessed 2/2/2018, <https://www.afr.com/news/politics/andrew-robb-says-lawfare-against-adani-risks-india-trade-deal-20150812-gixi4n>
- Ludlow, M, 5/8/2015, Adani's \$16b Carmichael mine approval hit by 'error', *Australian Financial Review*, as accessed 13/6/2018, <https://www.afr.com/news/politics/adanis-16b-carmichael-mine-approval-hit-by-error-20150805-girulp>
- Ludlow, M, 6/8/2015, How a group of green campaigners fought an Indian energy giant, *Australian Financial Review*, as accessed 6/6/2017, <https://www.afr.com/business/mining/how-a-group-of-green-campaigners-fought-an-indian-energy-giant-20150806-git219>
- Ludlow, M, 15/12/2015, Adani Carmichael coalmine one step closer, *Australian Financial Review*, as accessed 6/6/2017, <https://www.afr.com/business/mining/adani-carmichael-coal-mine-one-step-closer-20151215-glnzqq>
- Ludlow, M, 25/11/2016, Adani's \$16.5b Carmichael mine stuck in two-year legal backlog, *Australian Financial Review*, as accessed 16/6/2017, <https://www.afr.com/news/politics/adanis-165b-carmichael-mine-stuck-in-twoyear-legal-backlog-20161125-gsx9bt>
- Maher, S, 13/8/2015, Robb's 'reptile rage' over coalmine delay, *The Australian* (Australia), p. 6, online NewsBank.
- Maher, S, 14/8/2015, Wilcox attacks Abbott over mine statement, *The Australian* (Australia), p. 22, online NewsBank.
- Marx, A, 4/8/2017, CITY BEAT, *The Courier Mail* (Brisbane, Australia), p. 35, online NewsBank.
- McCarthy, J, 7/3/2012, Anti-coal bid 'vandalism', *The Courier Mail* (Brisbane, Australia), p. 22, online NewsBank.
- McCarthy, J, 17/4/2015, NO PAIN, NO GAIN, *The Courier Mail* (Brisbane, Australia), p. 12, online NewsBank.
- McCarthy, J, 9/5/2015, GOOD CENTS OR JUST BAD JUDGMENT, *The Courier Mail* (Brisbane, Australia), p. 14, online NewsBank.
- McCarthy, J, 7/8/2015, Shafted taxpayers fund job wreckers, *The Courier Mail* (Brisbane, Australia), p. 1, online NewsBank.

- McCarthy, J, 28/4/2016, Adani cops another anti-mine court bid, *The Courier Mail* (Brisbane, Australia), p. 14, online NewsBank.
- McCarthy, J, 30/8/2016, Challenge by ACF to Adani mine thrown out, *The Courier Mail* (Brisbane, Australia), p. 4, online NewsBank.
- McCarthy, J, 9/9/2016, 'Folly' racks up big bill for green group, *The Courier Mail* (Brisbane, Australia), p. 14, online NewsBank.
- McCarthy, J, 26/11/2016, Adani may gamble on court wins, *The Courier Mail* (Brisbane, Australia), p. 26, online NewsBank.
- McDonald, S, 25/8/2017, Federal Court rejects latest bids to stop Adani, *The Sydney Morning Herald*, as accessed 15/2/2018, <https://www.smh.com.au/business/companies/federal-court-rejects-latest-bids-to-stop-adani-20170825-gy47iq.html>
- McGrath, P, 5/5/2015, Adani rejects claims restructure means it can't pay for Queensland coal project, *ABC News*, as accessed 10/6/2016, <https://www.abc.net.au/news/2015-05-05/adani-rejects-claims-restructure-means-it-cant-pay-for-project/6446420>
- McKenna, M, 22/8/2015, Activists to delay Adani until 2017, *Weekend Australian* (Australia), p. 1, online NewsBank.
- McKenna, M, 9/11/2015, Adani's Carmichael mine hit by another lawsuit, *The Australian*, as accessed 3/5/2017, <https://www.theaustralian.com.au/business/mining-energy/adanis-carmichael-mine-hit-by-another-law-suit/news-story/55a98d741a3d6b9dbdf3a54a3cfb69d1>
- McKenna, M, 13/11/2015, Adani foes drop racism claim, *The Australian* (Australia), p. 6, online NewsBank.
- McKenna, M, 15/12/2015, Adani in win over coal activists, *The Australian* (Australia), p. 4, online NewsBank.
- McKenna, M, 27/4/2016, Adani's Carmichael mine hit with fresh lawsuit, *The Australian*, as accessed 15/3/2018, <https://www.theaustralian.com.au/business/mining-energy/adanis-carmichael-mine-hit-with-fresh-lawsuit/news-story/5ee0a27dab7715cbaf8c69129e2ca1bc>
- McKenna, M, 4/6/2016, Gautam Adani's dream to light India's darkened nights, *The Australian*, as accessed 12/12/2017, <https://www.theaustralian.com.au/news/inquirer/gautam-adanis-dream-to-light-indias-darkened-nights/news-story/0637a58af753b6f9636aefb31d058565>
- McKenna, M, Elks, S, 6/8/2015, Adani pullout looms as green tactics triumph, *The Australian* (Australia), p. 1, online NewsBank.
- McKenna, M, Maher, S, 10/11/2015, Risk to reef new front in coal campaign, *The Australian*, as accessed 10/5/2016, <https://www.theaustralian.com.au/national-affairs/climate/risk-to-great-barrier-reef-new-front-in-adani-mine-coal-campaign/news-story/64ddff50142413e1301dad1b2124d087>
- McKenna, M, Maher, S, 4/6/2016, 'Lawfare' risks Adani exit from Queensland coalmine, *The Australian*, as accessed 10/5/2016, <https://www.theaustralian.com.au/business/mining-energy/lawfare-risks-adani-exit-from-queensland-coalmine/news-story/8759d1a7d9278c0e9f0298fc38159888>

- Merritt, C, 10/11/2015, Give 'em a finch and they'll take a mile', *The Australian* (Australia), p. 2, (online NewsBank).
- Milman, O, 9/10/2014, Carmichael mine: Indian conservation group joins legal battle with Adani, *The Guardian*, as accessed 5/5/2016, <https://www.theguardian.com/environment/2014/oct/09/carmichael-mine-indian-conservation-group-joins-legal-battle-with-adani>
- Milman, O, 31/3/2015, Queensland's proposed Carmichael coalmine faces legal bid over climate change, *The Guardian*, as accessed 5/5/2016, <https://www.theguardian.com/environment/2015/mar/31/queenslands-proposed-carmichael-mine-faces-legal-bid-over-climate-change>
- Milman, O, 3/8/2015, Greg Hunt urged to scrap Carmichael mine plan after new evidence of impact, *The Guardian*, as accessed 15/5/2016, <https://www.theguardian.com/australia-news/2015/aug/03/greg-hunt-urged-to-revoke-carmichael-mine-approval-after-new-evidence-of-impact>
- Milman, O, Evershed, N, 12/8/2015 Australia has denied environmental approval to just 18 projects since 2000, *The Guardian*, as accessed 16/5/2016, <https://www.theguardian.com/environment/2015/aug/12/australia-has-denied-environmental-approval-to-just-11-projects-since-2000>
- Murphy, K, 7/12/2016, Adani Carmichael mine: Australia Institute demands answers from Turnbull in full-page ad, *The Guardian*, as accessed 5/5/2017, <https://www.theguardian.com/business/2016/dec/07/adani-carmichael-mine-australia-institute-demands-answers-from-turnbull-in-full-page-ad>
- O'Brien, C, Mellor, L, 5/12/2016, Adani's \$22-billion Carmichael coal mine to be headquartered in Townsville, *ABC News*, as accessed 5/5/2017, <https://www.abc.net.au/news/2016-12-05/adani-carmichael-coal-mine-to-be-headquartered-in-townsville/8092896>
- Oquist, B, 6/12/2016, \$1bn for the Adani coalmine? Ordinary Australians understand economics better than Turnbull, *The Guardian*, as accessed 5/5/2017, <https://www.theguardian.com/commentisfree/2016/dec/06/1bn-for-the-adani-coal-mine-ordinary-australians-understand-economics-better-than-turnbull>
- Passmore, D, 2/10/2016a, STOP THIS MADNESS, *The Sunday Mail* (Brisbane, Australia), p. 1, online NewsBank.
- Passmore, D, 2/10/2016b, STRANGLED BY GREEN TAPE, *The Sunday Mail* (Brisbane, Australia), p. 4, online NewsBank.
- Peatling, S, 16/8/2015, 'Vigilante litigation': Adani mine decision was appalling, says Brandis, *The Sydney Morning Herald*, 16/8/2015, as accessed 5/2/2018, <https://www.smh.com.au/politics/federal/vigilante-litigation-adani-mine-decision-was-appalling-says-brandis-20150816-gj00u3.html>
- Rankin, J, 5/5/2015, Standard Chartered faces pressure to cut links to Australian 'carbon bomb' project, *The Guardian*, as accessed 7/8/2016, <https://www.theguardian.com/environment/2015/may/05/standard-chartered-face-pressure-to-cut-links-to-australian-carbon-bomb-project>

- Rankin, J, 7/5/2015, Standard Chartered vows to review role in Australian coal mine project, *The Guardian*, as accessed 6/6/2016, <https://www.theguardian.com/business/2015/may/06/standard-chartered-vows-review-role-australian-coal-mine-project>
- Rebgetz, L, 15/12/2015, Queensland's Land Court rejects bid to stop Adani's Carmichael coal mine, *ABC News*, as accessed 6/6/2016, <https://www.abc.net.au/news/2015-12-15/adani-court-rejects-bid-to-stop-adani-coal-mine/7030048>
- Riordan, P, 19/8/2015, Federal Court intervenes over Adani 'lawfare', *Australian Financial Review*, as accessed 5/3/2017, <https://www.afr.com/news/politics/federal-court-intervenes-over-adani-lawfare-20150819-gj2w2q>
- Robertson, J, 22/4/2015, Gina Rinehart's Alpha mine challenged on basis of emissions from exported coal, *The Guardian*, as accessed 29/6/2016, <https://www.theguardian.com/australia-news/2015/apr/22/gina-rineharts-alpha-mine-challenged-on-basis-of-emissions-from-exported-coal>
- Robertson, J, 27/4/2015, Adani coalmine would not deliver jobs and royalties promised, land court hears, *The Guardian*, as accessed 8/11/2017, <https://www.theguardian.com/australia-news/2015/apr/27/adani-coalmine-would-not-deliver-jobs-and-royalties-promised-land-court-hears>
- Robertson, J, 1/5/2015, Expert says Carmichael mine losses would negate Adani's need to pay tax, *The Guardian*, as accessed 5/4/2016, <https://www.theguardian.com/environment/2015/may/01/expert-says-carmichael-mine-losses-would-negate-adanis-need-to-pay-tax>
- Robertson, J, 5/5/2015, Adani rejects claims giant Carmichael coalmine in Queensland is unviable, *The Guardian*, as accessed 22/6/2016, <https://www.theguardian.com/business/2015/may/05/adani-rejects-report-giant-carmichael-coalmine-in-queensland-is-unviable>
- Robertson, J, 14/5/2015, Adani's Carmichael mine: damage far outweighs benefits, lawyer claims, *The Guardian*, as accessed 20/6/2016, <https://www.theguardian.com/australia-news/2015/may/14/adanis-carmichael-mine-damage-far-outweighs-benefits-lawyer-claims>
- Robertson, J, 14/5/2015, Adani's Carmichael mine: damage far outweighs benefits, lawyer claims, *The Guardian*, as accessed 20/6/2016, <https://www.theguardian.com/australia-news/2015/may/14/adanis-carmichael-mine-damage-far-outweighs-benefits-lawyer-claims>
- Robertson, J, 16/6/2015, Greg Hunt 'ignoring advice' on danger to wildlife from Carmichael coalmine, *The Guardian*, as accessed 20/6/2016, <https://www.theguardian.com/environment/2015/jun/16/greg-hunt-ignoring-advice-on-danger-to-wildlife-from-carmichael-coalmine>
- Robertson, J, 9/11/2015, Conservation Group Challenges approval of Carmichael mine as 'illegal', *The Guardian*, as accessed 20/6/2016, <https://www.theguardian.com/environment/2015/nov/09/conservation-group-challenges-approval-of-carmichael-coalmine-as-illegal>
- Robertson, J, 15/12/2015, Queensland court dismisses green group's challenge to Adani coalmine, *The Guardian*, as accessed 30/3/2017, <https://www.theguardian.com/environment/2015/dec/15/queensland-court-dismisses-green-groups-challenge-to-adani-coalmine>

- Robertson, J, 5/8/2016, Linking Adani coalmine to social uplift in India ridiculous, says conservationist, *The Guardian*, as accessed 29/5/2017, <https://www.theguardian.com/environment/2016/aug/05/linking-adani-coal-mine-to-social-uplift-in-india-ridiculous-says-conservationist>
- Robertson, J, 29/8/2016, Greg Hunt's approval of Adani's Queensland mine upheld by federal court, *The Guardian*, as accessed 12/12/2016, <https://www.theguardian.com/australia-news/2016/aug/29/greg-hunts-approval-of-adanis-queensland-mine-upheld-by-federal-court>
- Robertson, J, 19/9/2016, Adani Carmichael coalmine faces new legal challenge from conservation foundation, *The Guardian*, as accessed 29/5/2017, <https://www.theguardian.com/business/2016/sep/19/adani-carmichael-coalmine-faces-new-legal-challenge-from-conservation-foundation>
- Robertson, J, Milman, O, 5/8/2015, Approval for Adani's Carmichael coalmine overturned by federal court, *The Guardian*, as accessed 6/6/2018, <https://www.theguardian.com/australia-news/2015/aug/05/approval-for-adanis-carmichael-coalmine-overturned-by-federal-court>
- Roe, I, Tatham, H, 10/11/2015, North Queensland MP George Christensen attacks latest court challenge against Carmichael coal mine, *ABC News*, as accessed 17/5/2017, <https://www.abc.net.au/news/2015-11-10/latest-court-challenge-against-carmichael-coal/6927236>
- Schliebs, M, 29/8/2016, Bid to halt Adani's Carmichael coal mine fails, *The Australian*, as accessed 1/2/2017, <https://www.theaustralian.com.au/business/mining-energy/bid-to-halt-adani-carmichael-coal-mine-fails/news-story/06dfb23b53b83298ed6fb40e78c9d4b8>
- Schliebs, M, 25/11/2016, New Adani mine challenge dismissed, *The Australian*, as accessed 1/2/2017, <https://www.theaustralian.com.au/business/mining-energy/new-adani-mine-challenge-dismissed/news-story/924fe333a76f81f8de7d002343ec1371>
- Schliebs, M, 26/11/2016, Adani's Carmichael mine on track after legal win, *The Australian*, as accessed 15/3/2019, <https://www.theaustralian.com.au/business/mining-energy/adanis-carmichael-mine-on-track-after-legal-win/news-story/65620d35f2a08005ac012807f3cd056b>
- Schneiders, L, 15/8/2015, Laws and their enforcers are failing us', *Weekend Australian* (Australia), p. 18, online NewsBank.
- Shanahan, D, 27/10/2016, \$1.2bn lost to environmental 'lawfare', *The Australian* (Australia), p. 2, online NewsBank.
- Shanahan, D, Gluyas, R, 7/8/2015, End green sabotage of coal: PM, *The Australian* (Australia), p. 1, online NewsBank.
- Shanahan, D, McKenna, M, 24/10/2016, Coal activists risk driving India away, *The Australian* (Australia), p. 1, online NewsBank.
- Sibson, E, 25/8/2017, Adani: Australian Conservation Foundation loses appeal against \$16b Carmichael coal mine, *ABC News*, as accessed 10/10/2017, <https://www.abc.net.au/news/2017-08-25/conservation-foundation-lose-appeal-adani-carmichael-coal-mine/8842578>

- Silva, K, 9/11/2015, Carmichael coal mine: Conservation group lodges fresh challenge in court, *The Sydney Morning Herald*,
<https://www.smh.com.au/business/companies/carmichael-coal-mine-conservation-group-lodges-fresh-challenge-in-court-20151109-gku22h.html>
- Slezak, M, 10/4/2016, Great Barrier Reef: new chapter opens in the fight to save natural wonder from mining, *The Guardian*, as accessed 20/6/2016,
<https://www.theguardian.com/environment/2016/apr/10/great-barrier-reef-new-chapter-opens-in-the-fight-to-save-natural-wonder-from-mining>
- Slezak, M, 3/5/2016, Activists launch fresh court challenge over Carmichael coalmine, *The Guardian*, as accessed 6/6/2017,
<https://www.theguardian.com/environment/2016/may/03/activists-launch-fresh-court-challenge-over-carmichael-coalmine>
- Slezak, M, 6/5/2016, Greg Hunt: no definite link between coal from Adani mine and climate change, *The Guardian*, as accessed 20/6/2016, <https://www.theguardian.com/australia-news/2016/may/06/greg-hunt-argues-theres-no-definite-link-between-coal-and-climate-change>
- Small, S, 4/4/2016, Massive Carmichael coal mine in Queensland not viable, job claims overblown, economist says, *ABC News*, as accessed 6/7/2016,
<https://www.abc.net.au/news/2016-04-04/massive-new-coal-mine-galilee-basin-not-economically-feasible/7297710>
- Statesman, The, 7/4/2015, Adani defends Queensland mine project in Australia court, *The Statesman* (India), online NewsBank.
- Statesman, The, 9/11/2015, Adani's Australia coal mine project faces fresh legal challenge, *The Statesman* (India), online NewsBank.
- Stevens, M, 17/12/2015, Adani's victory a rare win for big coal, *Australian Financial Review*, updated 18/12/2015, as accessed 13/2/2017,
<https://www.afr.com/business/mining/coal/adanis-victory-a-rare-win-for-big-coal-20151217-glq59b>
- Stevens, M, 21/9/2016, Adani prepares for an end to lawfare with a smaller, cheaper Carmichael, *Australian Financial Review*, as accessed 2/2/2017,
<https://www.afr.com/news/economy/adani-prepares-for-an-end-to-lawfare-with-a-smaller-cheaper-carmichael-20160921-grla4o>
- Sunday Mail, The, 2/10/2016, It's time to stop this eco madness, *The Sunday Mail* (Brisbane, Australia), p. 72, online NewsBank.
- Taylor, L, 14/1/2015, Federal court asked to overturn Adani mine approval due to impact on Great Barrier Reef, *The Guardian*, as accessed 6/6/2016,
<https://www.theguardian.com/environment/2015/jan/14/federal-court-asked-to-overturn-adani-mine-approval-impact-great-barrier-reef>
- Taylor, L, 12/11/2015, Carbon abatement: government spends another \$557m to buy 45m tonnes, *The Guardian*, as accessed 6/6/2016,
<https://www.theguardian.com/environment/2015/nov/12/carbon-abatement-government-spends-another-557m-to-buy-45m-tonnes>

- Taylor, L, 18/11/2015, Coalition unexpectedly pushes on with 'green lawfare' legislation plan, *The Guardian*, as accessed 6/6/2016, <https://www.theguardian.com/australia-news/2015/nov/18/coalition-unexpectedly-pushes-on-with-green-lawfare-legislation-plan>
- Viellaris, R, 25/4/2016a, EXCLUSIVE 'SABOTAGE' LAWSUITS TO BE TARGETED, *The Courier Mail* (Brisbane, Australia), p. 1, online NewsBank.
- Viellaris, R, 25/4/2016b, Hunt push to curb 'sabotage' lawsuits, *The Courier Mail* (Brisbane, Australia), p. 9, online NewsBank.
- Viellaris, R, 6/10/2016, Green 'lawfare' in Minister's sights', *The Courier Mail*, (Brisbane, Australia), p. 11, online NewsBank.
- van Vonderen, J, 9/11/2015, Australian Conservation Foundation challenges Adani's Carmichael coal mine in Federal Court, *ABC News*, as accessed 10/7/2016, <https://www.abc.net.au/news/2015-11-09/adani-mine-australian-conservation-foundation-court-challenge/6923598>
- van Vonderen, J, Sakzewski, E, 31/3/2015, Carmichael coal mine: Conservation group Coast and Country challenge mining giant Adani in Land Court, *ABC News*, updated 29/4/2015, as accessed 5/6/2016, <https://www.abc.net.au/news/2015-03-31/coast-and-country-challenge-mining-giant-adani-in-land-court/6362546>
- Vogler, S, Dibben, K, 4/5/2016, Mine challenge tests ground, *The Courier Mail* (Brisbane, Australia), p. 14, online NewsBank.
- Walhquist, C, 18/3/2015, Greg Hunt failed to check record of company behind \$16.5bn coalmine, says writ, *The Guardian*, as accessed 24/8/2017, <https://www.theguardian.com/australia-news/2015/mar/17/greg-hunt-failed-to-check-record-of-company-behind-165bn-coal-mine-says-writ>
- West, M, 28/4/2015, Adani Mining feels heat over \$14b Galilee Basin coal mine gap, *The Sydney Morning Herald*, as accessed 2/2/2018, <https://www.smh.com.au/business/adani-mining-feels-heat-over-14b-galilee-basin-coal-mine-gap-20150427-1mud1h.html>
- West, M, 2/5/2015, Adani's gilded lily is far from the gold that glitters, *The Sydney Morning Herald*, as accessed 2/2/2018, <https://www.smh.com.au/business/adani-gilded-lily-is-far-from-rolled-gold-20150501-1mxi3c.html>
- West, M, 5/8/2015, Adani's mine caned not canned, *The Sydney Morning Herald* (Australia), as accessed 2/2/2018, <https://www.smh.com.au/business/adani-caned-but-not-canned-20150805-gis217.html>
- Williams, B, 10/11/2015, Adani court challenge to fail: miners, *The Courier Mail* (Brisbane, Australia), p. 12, online NewsBank.

9.2 Appendix B: Legal cases cited

Australian cases

Adani Mining Pty Ltd v Land Services of Coast and Country Inc & Ors [2015] QLC 48

Alliance to Save Hinchinbrook Inc v Minister for the Environment [QUD8/2015]

Australian Conservation Foundation Incorporated v Minister for the Environment [2016] FCA 1042

Australian Conservation Foundation Incorporated v Minister for the Environment and Energy [2017] FCAFC 134

Burrabungba v State of Queensland [2016] FCA 984 (19 August 2016)

Burrabungba & Anor v Minister for Natural Resources and Mines & Anor [2016] QSC 273 (25 November 2016)

Hancock Coal Pty Ltd v Kelly & Ors and Department of Environment and Heritage Protection (No. 4) [2014] QLC

Land Services of Coast and Country Inc v Chief Executive, Department of Environmental and Heritage Protection & Anor [2016] QSC 272

Mackay Conservation Group v Minister for the Environment [QUD118/2014]

Mackay Conservation Group v The Commonwealth of Australia & Ors (NSD33/2015)

McGlade v Native Title Registrar [2017] FCAFC 10

North Queensland Conservation Council v Minister for the Environment & Ors [AAT2014/1043]

Whitsunday Residents Against Dumping Ltd v Chief Executive, Department of Environment and Heritage Protection & Anor [2017] QSC 121 (15 June 2017)

US cases

Liebeck v. McDonald's Restaurants, P.T.S., Inc., No. D-202 CV-93-02419, 1995 WL 360309

9.3 Appendix C: Legislation cited

Environmental Protection Act 1994 (Queensland)

Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)

Environmental Protection Sea Dumping Act 1991 (Commonwealth)

Native Title Act 1993 (Commonwealth)

9.4 Appendix D: Public Environmental Litigation key dates

Date	Week identifier	PEL Event
27/2/2014	2014 Week 8	<i>NQCC case</i> filed
24/3/2014	2014 Week 12	<i>MCG sea dumping case</i> filed
23/4/2014	2014 Week 16	<i>NQCC case</i> AAT conference
6/5/2014	2014 Week 18	<i>NQCC case</i> AAT hearing
23/5/2014	2014 Week 20	<i>NQCC case</i> adjournment
16/6/2014	2014 Week 24	<i>Land Court case</i> filed
4/11/2014	2014 Week 40	<i>Land Court case</i> directions hearing and amendment, Conservation Action Trust joins as an objector
8/1/2015	2015 Week 1	<i>ATSH case</i> filed
12/1/2015	2015 Week 2	<i>MCG case</i> filed
3/2/2015	2015 Week 5	<i>MCG case</i> directions hearing
16/3/2015	2015 Week 11	<i>ATSH case</i> hearing and dismissal, <i>MCG case</i> amended
31/3/2015- 14/5/2015	2015 Week 13-19	<i>Land Court case</i> hearing
12/6/2015	2015 Week 23	<i>MCG case</i> administrative listing
15/6/2015	2015 Week 24	<i>MCG case</i> amendment
4/8/2015	2015 Week 31	<i>MCG case</i> order
4/11/2015	2015 Week 44	<i>MCG sea dumping case</i> dismissed
9/11/2015	2015 Week 45	<i>ACF case</i> filed
17/11/2015	2015 Week 46	<i>ACF case</i> directions hearing
15/12/2015	2015 Week 50	<i>Land Court case</i> judgement
28/1/2016	2016 Week 4	<i>ACF case</i> amended, end of 30-day appeal right for <i>Land Court case</i>
23/3/2016	2016 Week 12	<i>Land Court case</i> costs ordered
26/4/2016	2016 Week 17	<i>LSCC Supreme Court case</i> filed
3-4/5/2016	2016 Week 18	<i>ACF case</i> hearing
3/6/2016	2016 Week 22	<i>WRAD case</i> filed
24/6/2016	2016 Week 25	<i>WRAD case</i> directions hearing, <i>LSCC Supreme Court case</i> directions hearing
5/8/2016	2016 Week 31	<i>LSCC Supreme Court case</i> amendment and hearing
29/8/2016	2016 Week 35	<i>ACF case</i> judgement
8/9/2016	2016 Week 36	<i>ACF case</i> costs ordered
19/9/2016	2016 Week 38	<i>ACF case</i> appeal announcement
7/10/2016	2016 Week 40	<i>WRAD case</i> hearing
25/11/2016	2016 Week 47	<i>LSCC Supreme Court case</i> judgement
3/3/2017	2017 Week 9	<i>ACF case</i> appeal hearing
15/6/2017	2017 Week 24	<i>WRAD case</i> judgement
2/8/2017	2017 Week 31	<i>WRAD case</i> costs order
25/8/2017	2017 Week 34	<i>ACF case</i> appeal decision

9.5 Appendix E: List of interviewees

1. Chief Executive (2005-2016) Queensland Resources Council, Mr Michael Roche, telephone interview, 25 August 2017.
2. Climate and Finance Lawyer, Environmental Justice Australia, David Barnden, face to face interview, 14 June 2018.
3. Director of Energy Finance Studies, Institute for Energy Economics and Financial Analysis, Tim Buckley, telephone interview with Lynette McGaurr as a part of the Australian Research Council project 'Transnational Environmental Campaigns in the Australia-Asian region', 14 June 2017.
4. Executive Director, The Sunrise Project, John Hepburn, Skype co-interview with Lynette McGaurr as a part of the Australian Research Council project 'Transnational Environmental Campaigns in the Australia-Asian region', 9 June 2017.
5. Barrister, Dr Chris McGrath, written questionnaire, 28 September 2017.
6. De-identified solicitor, face to face interview, 28 April 2017.
7. De-identified member of the environmental movement, one written questionnaire 14/6/2018.
8. De-identified member of the environmental movement, telephone interview, 26 June 2018.
9. Whitsunday Residents Against Dumping spokesperson, Sandra Williams, face to face interview, 2 June 2018.
10. Communications Director at Environmental Justice Australia, formerly Senior Media Adviser at the Australian Conservation Foundation, Josh Meadows, face to face interview, 1 June 2018.

9.6 Appendix F: *Court Conflict* language devices

Positions/claims	Example language devices	Corpus example
Use of war like and competitive terms	'battle', 'bid', 'take-on', 'challenge', 'lawsuit' and 'legal action' (rather than 'case' or 'seeks review')	'Adani in court battle with green group' (<i>Central Queensland News</i> 1/5/2015)
Legal decisions interpreted through sides rather than using legal language used by the court	'reject', 'win', 'lose', 'victory', 'green light', 'overturn', 'thrown out' (rather than 'dismiss' or 'set aside')	'Adani in win over coal activists' (McKenna 15/12/2015)
Size of legal parties	'mega-mine', '\$16billion', 'giant', 'small community group'	'How a group of green campaigners fought an Indian energy giant' (Ludlow 6/8/2015)
Presence of legal argument and evidence	'.....court hears', '....., expert says', 'Lawyers:.....'	'Lawyers: Carmichael emissions 3x more than reduction target' (Frost 3/5/2016)

9.7 Appendix G: Activist tactic language devices

Positions/claims	Example language devices	Corpus example
Ideas of war, conflict and criminality	'lawfare', 'green lawfare', 'guerrilla tactics', 'environmental sabotage', 'vigilantes', 'vandalism', 'abuse', 'blocking tactics', 'disruption and delay', references to the ' <i>Stopping the Australian Coal Boom</i> ' strategy	"Coal backs PM's 'sabotage' call" (Balogh 8/8/2015).
Litigants labelled as outsiders	'green', 'activists', 'fringe', 'environmentalists', 'green groups', 'vigilantes', 'serial litigants', 'politically and ideologically motivated', 'non-local', 'foreign funded', 'tiny', 'obscure' and 'café-latte sipping inner-city dwellers'.	'Vexatious litigation by the inner-city latte-sipping activists has to stop,' Mr Roche said (Williams 10/11/2015).
Cases delegitimised and legal grounds trivialised	'nonsense', 'frivolous', 'folly', 'vexatious', 'madness', 'series of cases', protected species belittled.	'It's time to stop this eco madness' (<i>The Sunday Mail</i> 2/10/2016)
Activists are costing Australia and Queensland jobs	'stopping investment and jobs', references to 10,000 jobs and royalty and tax incomes.	'Canavan said Queensland families were being 'held to ransom' by the ACF, which he accused of blocking growth and thousands of jobs in the state's regional economy' (Robertson 9/11/2015).
Law changes will solve the problem	Proposals to amend the <i>Environmental Protection and Biodiversity Conservation Act</i> to restrict standing. Proposals to bring back the Queensland Mine Court system.	'We must change laws to stop legal vandals' (<i>The Courier Mail</i> 28/4/2016).

9.8 Appendix H: *Public right* language devices

Positions/claims	Example language devices	Corpus example
Democracy is based upon the separation of political and judiciary powers	The right of ‘fair law’ and ‘checks and balances’, politicians are not above the law, let the courts decide	‘Tony Abbott must respect the courts over Carmichael ruling, say lawyers’ (<i>Australian Associated Press</i> 7/8/2015)
PEL is a community right to public participation in the development process	Use of legal terms such as ‘public interest’, ‘error in law’ and ‘conservation group’.	‘Community objections to mining are a normal part of the administrative assessment process; important to both the public interest and the protection of the environment,’ Mr Ryan said.’ (<i>Australian Associated Press</i> 23/3/2016).
Use of legal discourse to describe court decisions	Use of court terms to describe court actions such as ‘dismissed’, ‘set aside’, ‘reserve’, ‘ruling’.	‘Approval of Adani's \$16 billion Carmichael coal mine in Queensland's Galilee Basin set aside by Federal Court’ (<i>ABC News</i> 6/8/2015)
Case legitimised	Terms such as ‘landmark’, ‘historic’, ‘tests’ and will ‘strengthen laws’. Protected species described as ‘vulnerable’, ‘threatened’ and using the term ‘extinction’.	‘This action is historic; it's the first case that has sought to test the Environment Minister's World Heritage obligations’ (Silva 9/11/2015).
Litigant labels	Conservation group, representative of the everyday Australian, such as ‘community group’, ‘Great Barrier Reef group’, ‘respected’, ‘local’, ‘grandmother’ and ‘ex-tourism worker’.	‘As a grandmother and local resident who has worked in the tourism industry, she had hoped the court would find the expansion of the coal port was unlawful’ (Godwin 15/6/2017).
Emotional pleas through metaphor and place-based pleas	References to the Great Barrier Reef, impacts of climate change	‘Today is a dark day for the reef,’ Ms Williams said on Thursday’ (<i>Australian Associated Press</i> 15/6/2017).
The law has failed the environment	Environmental laws are ‘broken’ or ‘weak’ and need changing.	‘She called on the government to strengthen environment protection laws that are ‘so weak that they are not protecting the people and the places that we love, they are allowing big polluters to keep on polluting’’ (Robertson 29/08/2016).

9.9 Appendix I: *Bureaucracy* language devices

Positions/claims	Example language devices	Corpus example
Unnecessary regulatory approval step	Describing the approval and legal processes as additional unnecessary steps such as ‘red tape’, ‘green tape’, ‘bureaucracy’,	‘Strangled by green tape’ (Passmore 2/10/2016a)
An obstacle to overcome	Describing the case in terms of barriers which can be overcome such as ‘hurdle’, ‘setback’, ‘snag’, ‘delay’ and ‘legal back-log’.	‘Decision a setback, but Adani is not about to go away’ (Fitzgerald 8/8/2015)
Administrative legal components emphasised	Describing the case in terms of legality rather than environmental impact such as ‘technicality’, ‘legal loophole’ and ‘bureaucratic bungle’.	‘The approval of Adani's Carmichael coal mine in central Queensland has been set aside by the Federal Court because of a bureaucratic bungle over two vulnerable species’ (<i>ABC News</i> 6/8/2015).
Current process good enough.	Describing the approval process as ‘strict’, ‘stringent’, ‘lengthy’, ‘rigorous’ and ‘scientifically based’.	‘The project has undergone a lengthy approval process, which includes 36 of the strictest environmental conditions in Australian history,’ Senator Canavan said (Schliebs 29/8/2016).
PEL is stopping a project vital to Australia and the world	Describing the project as ‘core’ and ‘critical’, Indians need Australia’s coal	‘Tragic for the wider world’: Tony Abbott decries court ruling against Adani coal mine (Hasham 7/8/2015a)
PEL costs the Australian economy	Use of term ‘costs’ and references to reports analysing cost to economy, business and investment uncertainty.	‘Eco-activism is a major cost to the community.’ (<i>Australian Financial Review</i> 6/8/2015)

9.10 Appendix J: *Criminality* language devices

Positions/claims	Example language devices	Corpus example
The mine is a crime	Describing the mine as ‘illegal’	Conservation group challenges approval of Carmichael coalmine as ‘illegal’ (Robertson 9/11/2015).
Comparing project with socially accepted crimes	Comparisons such as ‘drug dealer’ and ‘licence to kill’.	ACF to challenge ‘drug dealer's defence’ of Adani (Egan 3/3/2017a).

9.11 Appendix K: Media attention during PEL event weeks (Early Years phase)

PEL event week	Adani corpus texts	Adani corpus texts reporting on PEL event	PEL sub-corpus texts reporting on PEL event
2014 Week 8: <i>NQCC case</i> filed	1	0	0
2014 Week 12: <i>MCG sea dumping case</i> filed	2	0	0
2014 Week 16: <i>NQCC case</i> AAT conference	8	0	0
2014 Week 18: <i>NQCC case</i> AAT hearing	0	0	0
2014 Week 20: <i>NQCC case</i> adjournment	3	0	0
2014 Week 24: <i>Land Court case</i> filed	7	0	0
Average weekly average texts during PEL events	3.5	0	0

9.12 Appendix L: Media attention during PEL event weeks (Conflict Builds phase)

PEL Event Week	Adani corpus texts	Adani corpus texts reporting on PEL event	PEL sub-corpus texts reporting on PEL event
2014 Week 40: <i>Land Court</i> case directions hearing and amendment	6	3	5
2015 Week 1: <i>ATSH</i> case filed	7	1	1
2015 Week 2: <i>MCG</i> case filed	16	3	5
2015 Week 5: <i>MCG</i> case directions hearing	15	0	0
2015 Week 11: <i>ATSH</i> case hearing and dismissal, <i>MCG</i> case amended	11	3 ¹	4
2015 Week 13: <i>Land Court</i> case hearing	8	4	6
2015 Week 14: <i>Land Court</i> case hearing	15	2	7
2015 Week 15: <i>Land Court</i> case hearing	14	0	1
2015 Week 16: <i>Land Court</i> case hearing	6	0	1
2015 Week 17: <i>Land Court</i> case hearing	7	5	9
2015 Week 18: <i>Land Court</i> case break in formal hearings	9	1	1
2015 Week 19: <i>Land Court</i> case final week of hearings	8	1	3
2015 Week 23: <i>MCG</i> case administrative listing	2	0	0
2015 Week 24: <i>MCG</i> case amendment	9	1	1
Average weekly texts during PEL events	9.8	1.7	3.1

¹ Texts during this week only report on the *MCG* case amendment.

9.13 Appendix M: Media attention during PEL event weeks (Legal Action phase)

PEL Event Week	Adani corpus texts	Adani corpus texts reporting on PEL event	PEL sub-corpus texts reporting on PEL event
2015 Week 31: <i>MCG case</i> order	51	34	48
2015 Week 44: <i>MCG sea dumping case</i> dismissed	6	0	0
2015 Week 45: <i>ACF case</i> filed	20	9	14
2015 Week 46: <i>ACF case</i> directions hearing	7	0	2
2015 Week 50: <i>Land Court case</i> judgement	21	8	10
2016 Week 4: <i>ACF case</i> amended, end of 30-day appeal right for <i>Land Court case</i>	4	0	0
2016 Week 12: <i>Land Court case</i> costs ordered	7	2	6
2016 Week 17: <i>LSCC Supreme Court case</i> filed	8	3	4
2016 Week 18: <i>ACF case</i> hearing	6	3	5
2016 Week 22: <i>WRAD case</i> filed	14	0	0
2016 Week 25: <i>WRAD case</i> directions hearing, <i>LSCC Supreme Court case</i> directions hearing	11	2 ¹	3 ¹
2016 Week 31: <i>LSCC Supreme Court case</i> amendment and hearing	3	2	3
2016 Week 35: <i>ACF case</i> judgement	12	8	11
2016 Week 36: <i>ACF case</i> costs ordered	3	1	1
2016 Week 38: <i>ACF case</i> appeal announcement	5	4	6
2016 Week 40: <i>WRAD case</i> hearing	6	0	1
2016 Week 47: <i>LSCC Supreme Court case</i> judgement	14	2	9
Average weekly texts during PEL events	11.6	4.6	7.2

¹ No texts are present on the *LSCC Supreme Court case* directions hearing.

9.14 Appendix N: Media attention during PEL event weeks (Household Name phase)

PEL Event Week	Adani corpus texts	Adani corpus texts reporting on PEL event	PEL sub-corpus texts reporting on PEL event
2017 Week 9: <i>ACF</i> case appeal hearing	8	1	4
2017 Week 24: <i>WRAD</i> case judgement	33	1	4
2017 Week 31: <i>WRAD</i> case costs order	18	1	2
2017 Week 34: <i>ACF</i> case appeal decision	16	2	4
Average weekly texts during PEL events	18.8	1.3	3.5


9.15 Appendix O: PEL sub-corpus authorship (three or more texts)

Author	Number of texts directly reporting on PEL event	News outlet	Role description
<i>Australian Associated Press</i> (including three named texts)	17	<i>Sydney Morning Herald, The Guardian, The Australian</i>	Not available
Joshua Robertson	13	<i>The Guardian</i>	Brisbane correspondent writing across, politics, law, environment and business (ABC News 2019)
<i>Central Queensland News</i> ¹	11	<i>Central Queensland News</i>	Not applicable
Geoff Egan	11	<i>Central Queensland News</i>	Politics, court, real estate, employment and health with a specific interest in regional communities (LinkedIn 2019a)
Pamela Frost	11	<i>Central Queensland News</i>	Journalist (LinkedIn 2019b)
<i>The Courier Mail</i> ¹	10	<i>The Courier Mail</i>	Not applicable
John McCarthy	9	<i>The Courier Mail</i>	Business journalist, specialising in mining and resources sector (LinkedIn.com 2019c)
Michael McKenna	8	<i>The Australian</i>	Brisbane based journalist (<i>The Australian</i> 2019)
Letters	6	Not applicable	Not applicable
Oliver Milman	6	<i>The Guardian</i>	Environment reporter (LinkedIn 2019d)
Emma McBryde	5	<i>Central Queensland News</i>	Queensland politics, court, mining and general news (LinkedIn 2019e)
Mark Ludlow	5	<i>Australian Financial Review</i>	Brisbane Bureau Chief/QLD Political Correspondent (LinkedIn 2019f)
Michael West	4	<i>Sydney Morning Herald</i>	Investigative business journalist (LinkedIn 2019g)
Lenore Taylor	3	<i>The Guardian</i>	Editor, politics (The Guardian 2019c)
Lisa Cox	3	<i>Sydney Morning Herald</i>	Federal politics, online breaking news and environment (LinkedIn 2019h)

¹ No author given.

9.16 Appendix P: Adani-Post Facebook example

Adani Australia Facebook Post 29 August 2016, as downloaded on 1/2/2018, comments excluded (Adani Australia 2016)

**Adani Australia**
August 29 · 🌐

Adani welcomes today's decision of the Federal Court, which again reinforces the stringency of the strict, science and evidence-based federal environmental approval process governing the company's planned mine at Carmichael.

The decision closely follows the Federal Court's dismissal on August 19 of another activist-driven legal challenge designed to delay the project. Consistent with earlier decisions of Queensland's Land Court and the Federal Court affirming the company's approvals, the Federal Court has determined that due process has been followed.

At their core, these challenges have been about stopping investment and jobs as part of a wider activist campaign against mining. A recent report by PwC quantified the cost of these delays as being some \$3 billion to the economy and over 1600 jobs annually over the first ten years of the intended projects. In local communities, a state and a national economy crying out for growth, this represents a significant cost to the community, not just to Adani.


As has been consistently pointed out, these projects will supply better quality coal for increased thermal coal demand, in conjunction with significantly increased solar demand, in a growing Indian economy that will lift hundreds of millions of people out of energy poverty. If the better quality, better regulated coal from Australia is not sourced in Queensland, it will simply mean lower quality, higher emitting coal from elsewhere in the world will be used. So the activists will not only harm local jobs, but if they get their way would ensure higher emissions as well.

The activist-driven challenges are part of a known minority campaign. While loud, they fly in the face of the strong support the company's projects have from local communities in North and Central Queensland, the tireless work with landholders, and the years of work with local councils, business and resident groups who are keen to realise the benefits of these job-creating projects.

Indeed, over six years, there have been multiple approval processes, some two years of cumulative community consultation and submissions as part of those processes, and over ten appeals and judicial processes brought on by activists. There can be no question that there has been more than ample opportunity for consultation, input and appeal and for activists to have their say. Clearly, the time has come for the will of communities who are crying out for these projects to proceed to have their voices heard - not just those of activists from out of town.

Adani stands ready to deliver on its long term future with Queensland, pending the resolution of a small number of outstanding legal challenges. As the company has previously indicated, if those issues are finalised, construction can commence in 2017.

Adani welcomes today's decision in bringing that vision one step closer to fruition.



Like Comment Share

478 Top Comments